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Regulations

TITLE 7—AGRICULTURE

Chapter VIII—Sugar Agency

PART 802—SUGAR DETERMINATIONS

FARMING PRACTICES IN CONNECTION WITH PRODUCTION OF SUGAR BEETS DURING CROP YEAR 1943

Pursuant to the provisions of subsection (e) of section 301 of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.13h *Farming practices in connection with the production of sugar beets during the crop year 1943*—(a) *For farms in States other than California.* The requirements of subsection (e) of section 301 of the Sugar Act of 1937, as amended, shall be deemed to have been fulfilled with respect to the production of the 1943 crop of sugar beets on any farm in a State other than California, if the producer and the county agricultural conservation committee certify that there has been carried out on land on the farm which is adapted to the production of sugar beets, not less than one-half acre of soil-conserving practices for each acre of sugar beets planted on the farm for harvest in 1943 for the extraction of sugar: *Provided, however,* That not in excess of 75 percent of the foregoing requirements in connection with rented acreage which would otherwise be part of another farm may consist of practices carried out on such farm in excess of any practices required thereon.

For the purposes of paragraph (a) of this section:

(1) Each of the following shall be deemed to be one acre of soil-conserving practices:

(i) Maintaining until after July 1, 1943, one acre of a protective covering of adapted perennial or biennial legumes, adapted perennial grasses, or mixtures of such legumes and grasses; or

(ii) Seeding in 1943 one acre of adapted perennial legumes (except alfalfa) or biennial legumes, adapted perennial grasses, or mixtures of such legumes and grasses; or (iii) Seeding in 1943 one-half acre of adapted alfalfa; or

(iv) Plowing under during 1943 one acre of a good stand and a good growth of an adapted green manure crop; or

(v) Applying during 1943 eight short tons of animal manure or the amount of manure normally produced in one year by any of the following: two head of cattle (of more than one year of age), two horses, two mules, four calves, four colts, ten sheep, or ten goats; or

(vi) Applying during 1943 to land on which sugar beets are planted for harvest in 1943, 75 pounds of net available nitrogen, potash and/or phosphoric acid in the form of commercial chemical fertilizer.

(2) Adapted perennial or biennial legumes, or adapted perennial grasses, or mixtures thereof, or adapted green manure crops, shall be deemed to be those perennial or biennial legumes, or perennial grasses, or mixtures thereof, or green manure crops, which are approved under the 1943 State Agricultural Conservation Program as being adaptable for the State in which the farm is located.

(b) *For farms in California.* The requirements of subsection (e) of section 301 of the Sugar Act of 1937, as amended, shall be deemed to have been fulfilled with respect to the production of the 1943 crop of sugar beets on any farm in California if the producer and the county agricultural conservation committee certify that during the crop year 1943 peat land on the farm has not been burned unless the burning is approved by the county and state agricultural conservation committees as necessary to permit satisfactory crop production and that there has been carried out on land on the farm which is adapted to the production of sugar beets not less than one-half acre of the soil conserving practices approved in accordance with the provisions of subparagraph (2) of this paragraph for each acre planted to sugar beets for harvest for the extraction of sugar: *Provided, however,* That one-fourth acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1939, if a perennial legume was produced thereon in 1940, or if any legumes were produced thereon in 1941 or 1942; and three-eighths acre of soil-conserving practices

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FEDERAL REGISTER

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shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1940, if legumes were produced thereon in 1941 or 1942: and *Provided, further,* if practice (i), (ii) or (iii), specified in subparagraph (2) of this paragraph, or any combination of such practices, is used to meet the requirements with respect to all the sugar beets on the farm, one-sixth acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1939, if a perennial legume was produced thereon in 1940, or if any legumes were produced thereon in 1941 or 1942; one-fourth acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1940, if legumes were produced thereon in 1941 or 1942; one-fourth acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1939; and one-third acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1940: *Provided, further,* That a portion of the acres of soil-conserving practices required for rented acreage of any farm which would otherwise be part of another farm may consist of acres of practices carried out on the latter farm in excess of any practices required thereon, but an acreage of soil-conserving practices equal to not less than 12.5 percent of the acres planted to sugar beets on such rented acreage shall be carried out on the farm of which such rented acreage is a part in excess of any practices which would be required if such rented acreage were not a part of such farm.

For the purposes of paragraph (b) of this section:

(1) The term "crop year" means the calendar year, except where the grower requests that the crop year be a 12-month period beginning 120 days prior to the normal planting date of sugar beets for the community, in which case the crop year shall be such 12-month period, if approval is given by the county committee.

(2) Each of the following which is recommended by the county agricultural conservation committee and approved by the state agricultural conservation committee as a practice applicable to the county for preserving and improving fertility of the soil and for preventing soil erosion shall be deemed to be one acre of soil-conserving practices:

(i) Maintaining until after July 1, 1943, one acre of protective covering of adapted perennial or biennial legumes, adapted perennial grasses, or mixtures of such legumes and grasses; or

(ii) Seeding during the crop year 1943 one-half acre of land to adapted perennial or biennial legumes, adapted perennial grasses, or mixtures of such legumes and grasses; or

(iii) Seeding and maintaining until after December 31, 1943, one acre of a good growth and a good stand of an adapted cover crop, or plowing under during the crop year 1943 one acre of a good stand and a good growth of an adapted green manure crop; or

(iv) Applying during the crop year 1943 eight short tons of animal manure, or the amount of manure normally produced in one year by any of the following: two head of cattle of more than one year of age, two horses, two mules, four calves, four colts, ten sheep, or ten goats; or

(v) Applying during the crop year 1943 not less than eight tons (air dry weight) of leguminous crop residues; or

(vi) Applying during the crop year 1943 three tons of lime, or 1,000 pounds of 18 percent gypsum or its sulphur equivalent; or

(vii) Applying during the crop year 1943 to land planted to sugar beets, or to or in connection with the seeding of legumes except when seeded in rows to be cultivated, or to or in connection with the seeding of perennial grasses, 64 pounds of net available P_2O_5 in the form of commercial fertilizers.

(3) Adapted perennial or biennial legumes, or adapted perennial grasses, or mixtures thereof, or adapted green manure or cover crops, shall be deemed to be those perennial and biennial legumes or perennial grasses or mixtures thereof, or green manure crops, and cover crops, which are approved under the 1943 State Agricultural Conservation Program as being adaptable for the State.

(4) Acres of soil-conserving practices (other than acreage qualifying under practice (i)) carried out to meet similar requirements prescribed for the 1942 sugar beet crop shall not be used to meet the requirements set forth herein for the 1943 crop.

(c) *General provision.* All of the foregoing soil-conserving practices shall be carried out in accordance with the farming methods commonly used in the community in which the farm is located.

(Sec. 301, 50 Stat. 7 U.S.C. 1940 ed. 1132)

Done at Washington, D. C., this 11th day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary.

[F. R. Doc. 42–13241; Filed, December 12, 1942; 11:26 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 247]

AGE LIMITS FOR PILOT CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 5th day of December, 1942.

It appearing that:

1. Certain sections of Parts 20 and 22 relative to the issuance of pilot certificates require that if the applicant be less than 21 years of age at the time of making application he shall submit with his application the written consent of either parent, or legal or natural guardian, to the issuance of a pilot certificate;

2. The Administration is now training in the Civilian Pilot Training Program only those trainees who are enlisted in the service of the armed forces. Such trainees often report for training at schools far from their homes which makes it difficult to secure the required written consent thereby causing undue delays in the progress of their training; and

3. The armed forces require written consent prior to accepting trainees for enlistment and to require further consent appears unnecessary duplication;

The Board finds that:

Its action is necessary to the successful prosecution of the war effort;

Now, therefore, the Civil Aeronautics Board, acting pursuant to sections 205(a), 601, and 602 of the Civil Aeronautics Act of 1938, as amended, makes and promulgates the following special regulation:

"Notwithstanding the provisions of Parts 20 and 22 of the Civil Air Regulations to the contrary, pilot certificates may be issued by the Administrator to applicants under 21 years of age without the written consent of either parent, or legal or natural guardian, if such applicant is a regular or reserve member of the armed forces at the time of making application. This regulation shall terminate at the end of the war."

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42–13240; Filed, December 12, 1942; 10:22 a. m.]

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amendment 14]

PART 600—DESIGNATION OF CIVIL AIRWAYS

REDESIGNATION OF BLUE CIVIL AIRWAY NO. 3

DECEMBER 7, 1942.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

By striking in § 600.10302 *Blue civil airway No. 3, (Birmingham, Ala., to Tampa, Fla.)*[1] the following:

"From the intersection of the center lines of the on course signals of the northeast leg of the Memphis, Tenn., radio range and the northwest leg of the Muscle Shoals, Ala., radio range; via the Muscle Shoals, Ala., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Muscle Shoals, Ala., radio

[1] 7 F.R. 9297.

range and the north leg of the Birmingham, Ala., radio range;"

and substituting in lieu thereof the following:

"From the Birmingham, Ala., radio range station; Gunter Field, Montgomery, Ala.; and the Dothan, Ala., radio range station, to the intersection of the center lines of the on course signals of the southeast leg of the Dothan, Ala., radio range and the northwest leg of the Tallahassee, Fla., radio range. From the intersection of the center lines of the on course signals of the east leg of the Tallahassee, Fla., radio range and the northwest leg of the Cross City, Fla., radio range; via the Cross City, Fla., radio range station; and the intersection of the center lines of the on course signals of the southeast leg of the Cross City, Fla., radio range and the north leg of the Tampa, Fla., radio range; to the Tampa, Fla., radio range station."

This amendment will become effective 0001 E. W. T. November 15, 1942.

C. I. STANTON,
Administrator.

[F. R. Doc. 42-13266; Filed, December 12, 1942; 12:08 p. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 270—GENERAL RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

REPURCHASE OF SECURITIES BY CLOSED-END INVESTMENT COMPANIES

The Securities and Exchange Commission, acting pursuant to the authority conferred upon it by the Investment Company Act of 1940, particularly sections 23 (c) (3) and 38 (a) thereof, and deeming such action appropriate in the public interest and for the protection of investors, hereby amends Section 270.-23C-1 [Rule N-23C-1] to read as follows:

§ 270.23C-1 *Repurchase of securities by closed-end companies.* (a) A registered closed-end company may purchase for cash a security of which it is the issuer, subject to the following conditions:

(1) If the security is a stock entitled to cumulative dividends, such dividends are not in arrears.

(2) If the security is a stock not entitled to cumulative dividends, at least 90% of the net income of the issuer for the last preceding fiscal year, determined in accordance with good accounting practice and not including profits or losses realized from the sale of securities or other properties, was distributed to its shareholders during such fiscal year or within 60 days after the close of such fiscal year.

(3) If the security to be purchased is junior to any class of outstanding security of the issuer representing indebtedness (except notes or other evidences of indebtedness held by a bank or other person, the issuance of which did not involve a public offering) all securities of such class shall have an asset coverage of at least 300% immediately after such purchase; and if the security to be purchased is junior to any class of outstanding senior security of the issuer which is a stock, all securities of such class shall have an asset coverage of at least 200% immediately after such purchase, and shall not be in arrears as to dividends.

(4) The seller of the security is not to the knowledge of the issuer an affiliated person of the issuer.

(5) Payment of the purchase price is accompanied or preceded by a written confirmation of the purchase.

(6) The purchase is made at a price not above the market value, if any, or the asset value of such security, whichever is lower, at the time of such purchase.

(7) The issuer discloses to the seller or, if the seller is acting through a broker, to the seller's broker, either prior to or at the time of purchase the approximate or estimated asset coverage per unit of the security to be purchased.

(8) No brokerage commission is paid by the issuer to any affiliated person of the issuer in connection with the purchase.

(9) The purchase is not made in a manner or on a basis which discriminates unfairly against any holders of the class of securities purchased.

(10) If the security is a stock, the issuer has, within the preceding six months, informed stockholders of its intention to purchase stock of such class by letter or report addressed to all the stockholders of such class.

(11) The issuer files with the Commission, on or before the tenth day of the calendar month following the month in which the purchase occurs, two copies of a report of purchases made during the month, together with a copy of any written solicitation to purchase securities under this rule sent or given during the month by or on behalf of the issuer to ten or more persons. Form N-23C-1 is hereby prescribed as the form to be used for such report.

(b) Notwithstanding the conditions of paragraph (a), a closed-end company may purchase fractional interests in, or fractional rights to receive, any security of which it is the issuer.

(c) This rule does not apply to purchases of securities made pursuant to section 23 (c) (1) or (2) of the Act (54 Stat. 825; 15 U.S.C. 80a-23). A registered closed-end company may file an application with the Commission for an order under section 23 (c) (3) of the Act permitting the purchase of any security of which it is the issuer which does not meet the conditions of this rule and which is not to be made pursuant to section 23 (c) (1) or (2) of the Act.

(d) This rule relates exclusively to the requirements of section 23 (c) of the Act, and the provisions hereof shall not be construed to authorize any action which contravenes any other applicable law, statutory or otherwise, or the provision of any indenture or other instrument pursuant to which securities of the issuer were issued.

Effective December 11, 1942.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13216; Filed, December 11, 1942; 2:54 p.m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter D—Munitions Control

PART 201—INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

UNLIMITED EXPORT AND IMPORT LICENSES

Pursuant to the authority vested in the Secretary of State by section 12 of the joint resolution approved November 4, 1939, as amended (54 Stat. 10; 56 Stat. 19; 22 U.S.C. 452), and to the proclamation issued pursuant thereto,[1] the regulations governing the international traffic in arms, ammunition, and implements of war promulgated by him on June 2, 1942 (7 F.R. 4216) are hereby augmented by the following § 201.41:

§ 201.41 *Unlimited export and import licenses.* When the Secretary of State has determined that the issuance of unlimited export and import licenses will materially aid the war effort, he will issue such licenses to appropriately registered persons authorizing the exportation or importation, or both, by such persons of arms, ammunition, and implements of war, subject to specific terms imposed by him. No exportation or importation of arms, ammunition, or implements of war shall be made, or attempted to be made, under the authority of such an unlimited license without compliance with the specific terms thereof and the special provisions and instructions pertaining thereto and with the regulations of this part.

[SEAL] CORDELL HULL,
Secretary of State.

DECEMBER 10, 1942.

[F.R. Doc. 42-13196; Filed, December 11, 1942; 2:32 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter E—Administrative Provisions Common to Various Taxes

[T.D. 5200]

PART 458—INSPECTION OF RETURNS

SUBPART E—INSPECTION BY CONGRESSIONAL COMMITTEE

Regulations governing the inspection of income, excess-profits, declared value excess-profits, and capital stock tax returns by the Special Committee on Un-American Activities, House of Representatives.[2]

§ 458.201 *Examination of returns by House Committee on Un-American Ac-*

[1] Proclamation 2549 of Apr. 9, 1942 (7 F.R. 2769).

[2] See E.O. 9281, 7 F.R. 10355.

tivities.[2] Pursuant to the provisions of section 257 (a) of the Revenue Act of 1926; section 55 of the Revenue Act of 1932, as amended by section 218 (h) of the National Industrial Recovery Act; sections 215 (e) and 216 (b) of the National Industrial Recovery Act; sections 55 (a), 701 (e), and 702 (b) of the Revenue Act of 1934; sections 105 (e) and 106 (c) of the Revenue Act of 1935; sections 55 (a), 351 (c), and 503 (a) of the Revenue Act of 1936; sections 55 (a), 409, 601 (e) and 602 (c) of the Revenue Act of 1938; and sections 55 (a), 508, 603, 729 (a), and 1204, of the Internal Revenue Code, income tax returns made under the Revenue Act of 1932, the Revenue Act of 1932, as amended by the National Industrial Recovery Act, the Revenue Act of 1934, the Revenue Act of 1936, the Revenue Act of 1936, as amended by the Revenue Act of 1937, the Revenue Act of 1938, and the Internal Revenue Code, capital stock and declared value excess-profits tax returns made under the National Industrial Recovery Act, the Revenue Act of 1934, the Revenue Act of 1935, as amended by the Revenue Act of 1936, the Revenue Act of 1936, the Revenue Act of 1938, and the Internal Revenue Code, for the year 1932 and subsequent years, and excess-profits tax returns made under the Internal Revenue Code for the year 1940 and subsequent years, shall be open to inspection by the Special Committee on Un-American Activities, House of Representatives, or any duly authorized subcommittee thereof, for the purpose of carrying out the provisions of House Resolution 420 (Seventy-seventh Congress, second session), passed March 11, 1942. The inspection of returns herein authorized may be by the Committee or a duly authorized subcommittee thereof, acting directly as a committee or a subcommittee, or by or through such examiners or agents as the committee or subcommittee may designate or appoint. Upon written notice by the chairman of the committee or of the authorized subcommittee to the Secretary of the Treasury, giving the names and addresses of the taxpayers whose returns it is necessary to inspect and the taxable periods covered by the returns, the Secretary and any officer or employee of the Treasury Department shall furnish such committee or subcommittee with any data relating to or contained in any such return, or shall make such return available for inspection by the committee or subcommittee or by such examiners or agents as the committee or subcommittee may designate or appoint, in the office of the Commissioner of Internal Revenue. Any information thus obtained by the committee or the subcommittee thereof, which is relevant or pertinent to the purpose of the investigation, may be submitted by the committee to the House.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

Approved: December 9, 1942.

FRANKLIN D ROOSEVELT,
The White House.

[F. R. Doc. 42-13315; Filed, December 14, 1942; 11:18 a. m.]

[2] 4 F.R. 2031.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1521]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

FINDINGS OF FACT, CONCLUSIONS OF LAW, ETC.

Findings of fact, conclusions of law memorandum opinion and order in the matter of the petition of District Board No. 7 for changes in the minimum prices and price classifications for the coals of Eccles No. 5 Mine, Mine Index No. 62, of the Crab Orchard Improvement Company in size group Nos. 1 and 2.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on June 29, 1942, by District Board No. 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting changes in the minimum prices and price classifications for the coals of Eccles No. 5 Mine (Mine Index No. 62) in District No. 7. Consumers' Counsel intervened on August 13, 1942. Pursuant to Orders of the Acting Director and after due notice to interested persons, a hearing was held before Charles S. Mitchell, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C.[1] Interested persons were afforded an opportunity to be present, present evidence, cross-examine witnesses, and otherwise be heard. The petitioner and Consumers' Counsel appeared. At the conclusion of the hearing, all parties waived the preparation and filing of the Report of the Examiner. The record was thereupon submitted to the undersigned.

Eccles No. 5 Mine, Mine Index No. 62, is an old mine taken over in 1930 by the Crab Orchard Improvement Company. At the time that minimum prices and price classifications were established in General Docket No. 15, the company was removing "squeezed" coal from a large number of pillars in the mine. These pillars had been standing for over fifteen years and as a result, the coal in them had become soft in structure and badly fractured. Since structure and ash content are factors considered in the establishment of minimum prices and price classifications of lump and egg coal, the poor structure of the Eccles No. 5 coals and consequent degradation in transit were among the reasons for establishing the Classification "B" for the Size Groups 1 and 2 coals of this mine.

B. R. Gebhart, Vice President of the Crab Orchard Improvement Company, testified that since 1940 the Eccles No. 5 Mine has been decreasing the amount of "squeeze" coal produced and steadily increasing the amount of new and firm coal. By April 1942 the last of this pillar coal had been worked out. With the decrease in the amount of "squeeze" coal produced a decided improvement in the structure of the coal was noted by retailers with the result that Eccles No. 5 lump and egg coal has been competing with coals having Classification "A" since the beginning of 1942. H. A. Thompson, Technical Advisor to District Board No. 7, testified that when a comparison was made of the results of the stability tests conducted by the Commercial Testing and Engineering Company in 1938 and 1942 on lump and egg coal from the Eccles No. 5 Mine, there was found a noticeable improvement, both from the standpoint of structure and in the analytical value as to ash content. It was Thompson's opinion that "The change in structure of the coal was sufficient reason alone for changing its classification from (B) to (A)." On the basis of these findings, District Board No. 7 has concluded that owing to the improved structure of the coal of Eccles No. 5 Mine, Size Groups 1 and 2 should be in Classification "A" rather than "B".

The Consumers' Counsel contended that if the structure of the coals of Eccles No. 5 Mine had improved to such an extent that Size Groups 1 and 2 should have a new classification, then Size Groups 8 and 9 slack coal for this mine should also be reclassified. It was pointed out, however, that the analysis of the coal had not changed and that structure was not an item to be considered in the price classification of slack sizes.

Upon the basis of the uncontroverted evidence, I find that the establishment of effective price classifications and minimum prices requested is proper and will effectuate the purpose of section 4 II (a) and 4 II (b) of the Act and will comply with all the standards thereof.

Now, therefore, it is ordered, That § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

Dated: December 1, 1942.

[SEAL] DAN H. WHEELER,
Director.

[1] The order of July 11, 1942, designated W. A. Cuff to preside as Examiner. The order of August 22, 1942, designated Charles S. Mitchell vice Examiner Cuff.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group number	Price classification by size group No. 1	2	3	4	5	6	7	8	9	10
62	Crab Orchard Improvement Company.	Eccles #5	5	Beckley	Admiralty (Eccles), W. Va.	C & O, Vgn.	18	A	A	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)

*When shown under a Size Group Number this symbol indicates coals previously classified for this Size Group.
†When shown under a Size Group Number this symbol indicates no classification effective for this Size Group.

[F. R. Doc. 42-13188; Filed, December 11, 1942; 11:30 a. m.]

[Docket No. A-1694]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 9 requesting the establishment both temporary and permanent of minimum prices for coals of certain mines in District No. 9.

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division requesting the establishment both temporary and permanent of price classifications and minimum prices for the coals of certain mines in District No. 9, and further requesting a reclassification of the coals of Ashmore & Poe Brothers' Mine (Mine Index No. 860) for rail and truck shipment; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth and that the following action is necessary in order to effectuate the purposes of the Act.

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 329.24 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days of the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

No relief is granted herein as to that part of the petition requesting reclassification of the coals of the Ashmore & Poe Brothers' Mine (Mine Index No. 860), for rail and truck shipments, for the reasons set forth in the order designating the portion of Docket No. A-1694, relating to such relief, as Docket No. A-1694, Part II.

Dated: December 2, 1942.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members*—Supplement R

Mine index No.	Producer	Mine	Seam	Freigh origin group	Shipping point	Railroad
1041	Brown, Owen	Brown No. 2	11	10	Richland	IC.
1034	Brackett Brothers (E. E. Brackett).	Beech Hollow No. 2	9	30	Morton	L&N.
286	Brown, Rayburn	Brown	9	50	Providence [1]	L&N-IC.
1036	Dwire, Buck	Basin Road	9	30	Island	L&N.
346	Hall & Hall (J. W. Hall)	Swentner	9	30	Livermore	L&N.
913	Hardin, Chester	R&H	9	30	Owensboro	L&N.
1040	Luckett, D. W	Luckett	11	40	Madisonville	L&N-IC.
241	Shanty & Morris (W. T. Morris)	J. R. Corum	9	30	Owensboro	L&N.
507	Vanover, Alonzo	Wood	9	30	Owensboro	L&N.

[1] Shipping Point Charleston, Ky., Freight Origin Group 10 is no longer applicable

The f. o. b. mine prices for coal shipped by Mine Index Nos. 1041, 1034, 286, 1036, 346, 913, 1040, 241, 507 to any market area in any size group and for any use including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck.

FOR TRUCK SHIPMENTS

§ 329.24 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group No. 1, 2	3	4	5	6	7	8	9	10, 11, 12	13, 14	15	17	18, 19, 20	21, 22	23, 24	25	26, 27	28, 29
BUTLER COUNTY																					
McCormick, Goldie	996	J. T. Payne	Stray	240	230	220	180	175	165	165	155	145	115	55	(†)	(†)	(†)	(†)	(†)	125	120
HOPKINS COUNTY																					
Brackett Bros. (E. E. Brackett).	1034	Beech Hollow #2.	#9	210	200	190	180	175	165	165	155	145	115	55	(†)	(†)	(†)	(†)	(†)	125	120
Brown, Owen	1041	Brown #2	#11	210	200	190	180	175	165	165	155	145	115	55	(†)	(†)	(†)	(†)	(†)	125	120
Luckett, D. W	1040	Luckett	#11	210	200	190	180	175	165	165	155	145	115	55	(†)	(†)	(†)	(†)	(†)	125	120
M'LEAN COUNTY																					
Dwire Buck	1036	Basin Road	#9	210	200	190	180	175	165	165	155	145	115	55	(†)	(†)	(†)	(†)	(†)	125	120
MUHLENBERG COUNTY																					
Miller, M. H	1038	Miller	#9	210	200	190	180	175	165	165	155	145	115	55	(†)	(†)	(†)	(†)	(†)	125	120

†Indicates no classification for this size group.

[F. R. Doc. 42-13189; Filed, December 11, 1942; 11:30 a. m.]

[Docket No. A-1736]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 9 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 9.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 329.24 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: December 1, 1942.

[SEAL] DAN H. WHEELER, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members*—Supplement R

Mine Index No.	Producer	Mine	Seam	Freight origin group	Shipping point	Railroad
1048	Beech Creek Coal Co.	Beech Creek #2	11	30	Beech Creek	L&N.
986	Hazelwood, Dolph	Lick Creek	9	30	Henderson	L&N.
893	Gillim, W. E.	Nolan Baize	11	10	Horton	IC.
1010	Forty-One Coal Co., The (W. B. Dozier).	Forty-One Coal Co.	9	40	Madisonville Morton	IC. L&N.
952	Horn, Wilty	Horn No. 2	9	10	Greenville	IC.
1015	Knight & Penrod (W. E. Penrod)	Young Bros.	9	30	Drakesboro [1]	L&N.
306	Lee & Williams (Tom Lee)	Lee & Williams	11	10	Dawson Springs [2]	IC.
972	Newman & Brackett (Murel E. Newman).	Barnsley	9	10	Madisonville	IC.
582	Roberts, Walter	Board	9	10	Luzerne	IC.
1042	Vanover, Pruitt	Vanover #3	9	30	Owensboro	L&N.

[1] Shipping Point Browder, Ky., Freight Origin Group 30 is no longer applicable.
[2] Shipping Point Daylight, Ky., Freight Origin Group 10 is no longer applicable.

The f. o. b. mine prices for coal shipped by Mine Index Nos. 1048, 986, 893, 1010, 952, 1015, 306, 972, 582, 1042 to any market area in any size group and for any use including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck.

FOR TRUCK SHIPMENTS

§ 329.24 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group No. 1/2	3	4	5	6	7	8	9	10/11/12	13/14	15	17	18/19/20	21/22	23/24	25	26/27	28/29
BUTLER COUNTY																					
Doss, J. E.	1043	Moore #3	Stray	240	230	220	180	175	165	165	155	145	115	55	(†)	(†)	(†)	(†)	(†)	125	120
Scalf, Emory	1044	Moore #2	Stray	240	230	220	180	175	165	165	155	145	115	55	(†)	(†)	(†)	(†)	(†)	125	120
DAVIESS COUNTY																					
Vanover, Pruitt	1042	Vanover #3		210	200	190	180	175	165	165	155	145	115	55	(†)	(†)	(†)	(†)	(†)	125	120
MUHLENBERG COUNTY																					
Beech Creek Coal Company.	1048	Beech Creek #2	11	210	200	190	180	175	165	165	155	145	115	55	(†)	(†)	(†)	(†)	(†)	125	120

†Indicates no classification effective for this size group.

[F. R. Doc. 42-13190; Filed, December 11, 1942; 11:30 a. m.]

[Docket No. A-1679]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 15 for the establishment of price classifications and minimum prices for certain mines in District No. 15.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 15 for all shipments except truck and for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, Commencing forthwith, § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the attached schedules marked Supplement R and Supplement T are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and reflect the changes, if any, made in minimum prices by the Acting Director's order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21.

Dated: November 24, 1942.

[SEAL] DAN H. WHEELER, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Code member	Mine index No.	Mine name	Prod. group No.	Shipping point	RR	Freight origin group No.	Price classification by size group													
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Hill Mining Company (Eugene F. Lee).	1650	Hill #2	3	Moberly, Mo.	Wab	111	A	A	A	A	C	C	C	C	A	C	A	A	(†)	A	A
Kearney Fuel Company (John Desiderio).	505	Desiderio	4	Kearney, Mo.	CB&Q	220	A	A	A	A	A	A	A	A	(†)	A	A	A	(†)	A	A
Mabry & Brown (Lewis Mabry).	1639	Mabry & Brown.	3	Jacksonville, Mo.	Wab	111	A	A	A	A	C	C	C	C	A	C	A	A	(†)	A	A
Sneed & Company (Carl F Sneed).	386	Sneed	3	Jacksonville, Mo.	Wab	111	A	A	A	A	C	C	C	C	A	C	A	A	(†)	A	A

†Indicates no classification effective for this size group.
A is Market Area list price as listed in Price Schedule No. 1. C, minus 10 cents from list price.

FOR TRUCK SHIPMENTS

§ 335.24 *General prices in cents per net ton for shipment into all market areas*— Supplement T

Code member index	Mine index No.	Mine	Prod. group No.	County	3" lump	½" up	10" x 1½"	10" x 1¼"	3" x 2"	3" x 1¼"	2" x 1¼"	1¼" x 1"	Mine run	3" x 0	1¼" x ⅜"	1¼" x ¼" (R)	1¼" x 0 (W)	1¼" x 0 (R)	0 x ¾
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Coureton, A. T	1649	Hume Coal Co. (Robbing from Robinson Pit).	2	Bates, Mo	260	260	260	260	235	220	205	200	220	195	195	180	(†)	160	45
Hill Mining Company (Eugene F. Lee)	1650	Hill #2	3	Randolph, Mo	240	240	240	240	225	215	205	195	220	190	195	180	(†)	120	45
Mabry & Brown (Lewis Mabry)	1639	Mabry & Brown	3	Macon, Mo	240	240	240	240	225	215	205	195	220	190	195	180	(†)	120	45

†Indicates no classification effective for this size group.

[F. R. Doc. 42-13191; Filed, December 11, 1942; 11:30 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

PART 623—CLASSIFICATION PROCEDURE

[Amendment 103, 2d Ed.]

REVISION OF EFFECTIVE DATE

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301–318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in an Administrative Order dated December 5, 1942, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amendment No. 102 [7 F.R. 9773.] to Part 623 of the Selective Service Regulations is hereby revised to change the effective date thereof from January 1, 1943, to February 1, 1943.

The foregoing revision shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

DECEMBER 11, 1942.

[F. R. Doc. 42-13239; Filed, December 12, 1942; 9:03 a. m.]

Chapter VIII—Board of Economic Warfare

Subchapter A—General

[Delegation of Authority 38]

PART 800—ORDERS AND DELEGATIONS OF AUTHORITY

DELEGATION OF AUTHORITY TO CHIEF OF OFFICE, OFFICE OF EXPORTS

By virtue of the authority vested in me, as Assistant Director in charge of the Office of Exports, by Delegations of Authority Nos. 25 [7 F.R. 4951] and 34 [7 F.R. 9807.], issued by the Executive Director on June 30, 1942 and November 23, 1942, respectively, authority is hereby delegated to the Chief of Office, Office of Exports, to exercise and perform, in my absence, all powers and functions contained in section 6 of the Act of July 2, 1940, 54 Stat. 714, as amended by the Act of June 30, 1942, 77th Cong., 2d Sess., and to issue such rules and regulations as may be necessary or proper to carry out the provisions of said Act.

Dated: December 10, 1942.

HECTOR LAZO,
Assistant Director.

[F. R. Doc. 42-13195; Filed, December 11, 1942; 12:27 p. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1297—MATERIAL ENTERING INTO THE PRODUCTION OF REPLACEMENT PARTS FOR PASSENGER AUTOMOBILES, LIGHT, MEDIUM AND HEAVY MOTOR TRUCKS, TRUCK TRAILERS, PASSENGER CARRIERS AND OFF-THE-HIGHWAY MOTOR VEHICLES

[Limitation Order L-158 as Amended Dec. 12, 1942]

The fulfillment of requirements for the defense of the United States having created a shortage in the supply of aluminum, chromium, copper, nickel and other materials required for the production of replacement parts for passenger automobiles, light, medium and/or heavy motor trucks, truck trailers, passenger carriers and off-the-highway motor vehicles for defense, for private account and for export, the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1297.1 *Limitation Order L-158*—(a) *Certain orders hereby superseded.* This order, Limitation Order L-158, supersedes Limitation Order L-4 issued September 18, 1941 and all amendments thereto; supplementary Limitation Order L-4-c issued May 5, 1942 and all amendments thereto; Limitation Order L-35 issued January 22, 1942 and all amendments thereto.

(b) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(1) *Protection of production schedules.* Producers of replacement parts under the terms of this order may, notwithstanding the provisions of Priorities Regulation No. 1 (Part 944), schedule their production of replacement parts as if the orders therefor bore a rating of AA-2X.

(c) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) "Passenger automobile" means any passenger vehicle, including station wagons and taxicabs propelled by an internal combustion engine and having a seating capacity of less than eleven (11) persons.

(3) "Light truck" means a complete motor truck or truck tractor with a maximum gross vehicle weight rating of less than 9,000 pounds, as authorized by the manufacturer thereof, or the chassis therefor.

(4) "Medium and/or heavy motor truck" means a complete motor truck or truck-tractor with a maximum gross vehicle weight rating of 9,000 pounds or more, as authorized by the manufacturer thereof, or the chassis therefor.

(5) "Truck trailer" means a complete semi-trailer or full trailer having a load-carrying capacity of 10,000 pounds or more, as authorized by the manufacturer thereof, and designed exclusively for transportation of property, or persons, or the chassis therefor.

(6) "Passenger carrier" means a complete motor coach for passenger transportation, having a seating capacity of not less than 11 persons.

(7) "Off-the-highway motor vehicle" means a motor truck, truck-tractor and/or trailer, operating off the public highway, normally on rubber tires and specially designed to transport materials, property or equipment on mining, construction, logging or petroleum development projects.

(8) "Replacement parts" for passenger automobiles, light, medium and heavy motor trucks, truck-tractors, truck-trailers, passenger carriers and off-the-highway motor vehicles, means only the following enumerated parts (including components entering into such parts) used for the repair or maintenance of such vehicles:

(i) For all such vehicles: (1) engines (component parts only), (2) clutches, (3) transmissions, (4) propeller shafts, (5) universal joints, (6) axles, (7) braking systems, (8) wheels, (9) tire valve assemblies, (10) starting apparatus, (11) frame and spring suspension assemblies, (12) shock absorbers, (13) speedometers, (14) driving mirrors, (15) windshield wiper assemblies, (16) steering apparatus, (17) exhaust systems, (18) cooling systems, (19) fuel systems, (20) lubricating systems, (21) electrical systems including generators, motors, lights, reflectors and signal horns, (22) windshield safety glass.

(ii) In addition, but only for medium and heavy motor trucks, truck-tractors, truck-trailers, passenger carriers and off-the-highway motor vehicles: (23) power dividers and take offs, (24) transfer cases, (25) fusees and flares, (26) directional signals, (27) coupling devices, (28) trailer landing gears, (29) seats, (30) front fenders (only that type which support built in lighting), (31) defroster heaters, (32) truck refrigeration units, (33) liquid measuring gauges.

(iii) In addition, but only for passenger carriers: (34) body structural repair parts, (35) sash, (36) destination signs, (37) fare boxes, (38) guards and grab rails, (39) door operating mechanisms, (40) doors and door hardware, (41) signaling devices, (42) heating and ventilating equipment. For school bus bodies and cabs: only the foregoing parts, (34) to (42).

(iv) In connection with truck-body conversion: (43) cab assemblies.

(9) "Producer" means any individual, partnership, association, corporation or other form of business enterprise engaged in the manufacture of replacement parts, as defined in subparagraph (8), above.

(10) "Distributor" means any person not a producer whose business consists, in whole or in part, of the sale of replacement parts, as defined in subparagraph (8) above, from inventory. Distributor includes wholesalers, jobbers, dealers, retailers and other persons performing a similar function.

(11) "Inventory" means a stock of replacement parts, as defined in subparagraph (8) above, on hand, on consignment, or held for the account of the owner thereof in any other name, manner or place.

(12) "Third and fourth calendar quarters of 1942" means respectively the period from July 1, 1942, to September 30, 1942, and the period from October 1, 1942, to December 31, 1942.

(13) "Average calendar quarter of 1941" means one-fourth of the producer's total sales at dollar cost value of the replacement part of his own manufacture sold by him during 1941.

(d) *Prohibitions on production.* (1) On and after July 4, 1942, no producer shall manufacture any parts for passenger automobiles and light trucks except the replacement parts enumerated in paragraph (c) (8) (i) above.

(2) On and after July 31, 1942, no producer shall manufacture any parts for medium and/or heavy motor trucks, truck-tractors, truck-trailers, passenger carriers and off-the-highway motor vehicles except the replacement parts enumerated in paragraph (c) (8) above.

(3) In the production of such replacement parts, no materials shall be used which are prohibited by M orders or other restrictions on use of critical materials as now or hereafter ordered by the Director General for Operations of the War Production Board.

(e) *Restrictions on production of replacement parts for passenger automobiles and light trucks.* (1) During the first calendar quarter of 1943, a producer of replacement parts for passenger automobiles and light trucks may manufacture replacement parts according to either of the following schedules:

(i) Such producer may manufacture replacement parts at his dollar cost value not to exceed seventy percent (70%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the average calendar quarter of 1941; provided that such production does not result in the producer's total inventory of finished parts (either produced by him or purchased by him from others) exceeding at any time during the third month in the first quarter of 1943, in dollar cost value, four times the producer's average monthly sales valued at cost during the preceding calendar quarter. In determining dollar cost value of sales, sales to the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

(ii) Such producer may manufacture replacement parts not to exceed fifty percent (50%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the average calendar quarter of 1941; provided such production does not increase his inventory of finished parts in total cost value (either produced by him or purchased by him from others) at the end of the first quarter of 1943, above his inventory of finished parts in total cost value at the beginning of the quarter. In determining dollar cost value of sales, sales to the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

(f) *Restrictions on production of replacement parts for medium and/or heavy motor trucks, truck-tractors, truck-trailers, passenger carriers, and off-the-highway motor vehicles.* (1) During the first calendar quarter of 1943, a producer of replacement parts for medium and/or heavy motor trucks, truck-tractors, truck trailers, passenger carriers, and off-the-highway motor vehicles may manufacture replacement parts according to either of the following schedules:

(i) Such producer may manufacture replacement parts at his dollar cost value not to exceed one hundred and twenty-five percent (125%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the average calendar quarter of 1941; provided that such production does not result in the producer's total inventory of finished parts (either produced by him or purchased by him from others) exceeding at any time during the third month in the first quarter of 1943, in dollar cost value, four times the producer's average monthly sales valued at cost during the preceding calendar quarter. In determining dollar cost value of sales, sales to the Army, Navy, and other persons enumerated in paragraph (g) below shall not be included.

(ii) Such producer may manufacture replacement parts not to exceed one hundred percent (100%) of the total dollar cost value of the replacement parts of his own manufacture sold by him during the average calendar quarter of 1941, provided such production does not increase his inventory of finished parts in total cost value (either produced by him or purchased by him from others) at the end of the first quarter of 1943 above his inventory of finished parts at the beginning of the quarter. In determining dollar cost value of sales, sales to the Army, Navy and other persons enumerated in paragraph (g) below shall not be included.

(g) *Exceptions to applicability of this order.* The terms and restrictions of this order shall not apply to any replacement parts sold to or produced under contracts or orders for delivery to or for the account of:

(1) The Army or Navy of the United States or the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(2) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its Dominions, Crown Colonies and Protectorates, and Yugoslavia;

(3) Any agency of the United States Government, for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(h) *Return of replacement parts.* Replacement parts returned to a producer by a distributor are not to be scheduled in the producer's inventory during the quarter in which the parts are received, but shall be included in the producer's inventory in the succeeding calendar quarter.

(i) *Restrictions on sales to consumers.* (1) On and after July 15, 1942, no producer or distributor shall sell or deliver any replacement part to a consumer unless the consumer delivers to the producer or distributor concurrently with the purchase a used part (excepting in the case of cab assemblies and parts consumed in use, lost or stolen) of similar kind and size for each new replacement part delivered to the consumer. No new replacement part shall be sold or delivered to a consumer to replace a part which the producer or distributor can recondition by use of available reconditioning facilities.

(2) Notwithstanding the provisions of paragraph (i) (1) above, a producer or distributor may sell and deliver any replacement part to a consumer without receiving a used part in exchange therefor, *Provided*, That:

(i) The producer or distributor does not install such part in the consumer's vehicle; and

(ii) The consumer signs and delivers to the producer or distributor concurrently with each purchase order (or on the written confirmation thereof if such order is placed by telephone or telegram) a certificate in the following form:

CONSUMER'S CERTIFICATE

I hereby certify that: (a) The replacement parts specified on this order are essential for repair of vehicle(s) I now own or operate; (b) these parts will be used only for replacement of parts that, to the best of my knowledge, cannot be reconditioned by use of available facilities; and (c) I will, within thirty days after receiving the new part(s), dispose of through scrap channels a used part(s) (excepting in the case of cab assemblies and parts consumed in use, lost or stolen) of similar kind and size for each new replacement part delivered to me.

Signed) _____
Vehicle Owner or Operator

(Address) _____

The foregoing certificate must be retained by the producer or distributor making the sale to the consumer as part of his records.

The provisions of this paragraph (i) shall not apply to any Federal or Territorial department, bureau or agency, or to a State or political subdivision thereof, which is forbidden by law from making such disposal of replacement parts.

(j) *Restrictions on distributors' inventories.* (1) On and after August 15, 1942, no distributor, whose principal place of business is located in the Eastern or Central War Time Zone, shall order more than a thirty-day supply of replacement parts, and no such distributor shall accept delivery of replacement parts which, in combination with his existing inventory of replacement parts measured in total dollar cost value, shall exceed a

sixty-day supply. Sixty-day supply means a supply in dollar cost value equal to two-thirds of the distributor's total sales, at his cost of such parts, sold by him in the preceding quarterly period.

(2) No distributor, whose principal place of business is located in any other war time zone, shall order more than a forty-five day supply of replacement parts, and no such distributor shall accept delivery of replacement parts which, in combination with his existing inventory of replacement parts, measured in total dollar cost value, shall exceed a ninety-day supply. Ninety-day supply means a supply in dollar cost value at distributor's cost equal to the distributor's total sales, at his cost of such parts, sold by him in the preceding quarterly period.

(3) Irrespective of the restrictions in subparagraphs (1) and (2) above, a distributor may accept delivery of specific items of replacement parts when his stock of all items in the aggregate exceeds, or will by virtue of such acceptance exceed, his maximum permissible inventory as specified in subparagraphs (1) and (2) above, but only to the extent necessary to bring such distributor's inventory of those specific items up to a total dollar value equal to the sales of such items shipped from such inventories during the preceding month.

(4) No distributor may keep in his inventory, in his possession or under his control, for a period of more than thirty days, any used, traded-in, imperfect or condemned replacement parts which cannot be reconditioned, but must dispose of the same through the customary disposal or scrap channels.

(5) Replacement parts consigned to a distributor are not to be considered as part of the distributor's inventory.

(k) *Emergency orders for replacement parts.* Notwithstanding the provisions of paragraph (j) above, a distributor may order and accept delivery of any replacement part which he does not have in stock when required for repair of a designated vehicle which cannot be operated without such part. In such emergency, to secure a replacement part under this paragraph (k), a distributor must file with his order to the producer for said part a certificate in the following form:

Certificate for Emergency Order

I hereby certify that the replacement part specified in the attached order is essential for the repair of the following vehicle, which cannot now be operated without such part:
Make: _____ Engine Number: _____
(signed) _____
Firm, Partnership or Corporation
By: _____
Title of Individual
_____
Address of Firm, Partnership or Corporation

A copy of each such certificate must be retained by the distributor issuing such certificate as a part of his records. A producer or other distributor to whom any such emergency order is submitted must give such order precedence in shipment over other orders not of an emergency nature.

(l) *Certificate by distributor required.* Whenever a distributor places an order for replacement parts, each order must be accompanied by a certificate in the following form:

Certificate of Compliance with Order L–158

The quantity of replacement parts ordered on the attached purchase order does not exceed the quantity which I am entitled to purchase under the provisions of Limitation Order L–158, with the terms of which I am familiar.

(Signed) _____
Firm, Partnership or Corporation
By: _____
Title of Individual
_____
Address of Firm, Partnership or Corporation

A copy of each such certificate must be retained by the distributor as part of his records.

(m) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(n) *Reports.* All persons affected by this order, shall execute and file with the War Production Board such reports and questionnaires as the Board shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the War Production Board.

(o) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(p) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(q) *Appeals.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal to the War Production Board, setting forth pertinent facts and the reasons such person considers that he is entitled to relief. In order to facilitate conversion to complete war production appeals may be made to increase or to transfer to other producers quotas established in paragraphs (e) and (f) above. The Director General for Operations may thereupon take such action as he deems appropriate.

(r) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Automotive Division, Washington, D. C., Ref: L–158.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

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PART 3006—SOLUBLE DRIED BLOOD AND BLOOD-ADHESIVES

[Revocation of General Preference Order M–192]

§ 3006.1 *General Preference Order M–192* [7 F.R. 6164] is hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M–192.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

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PART 3097—SULFAMIC ACID AND SULFAMIC ACID DERIVATIVES

[General Preference Order M–242, as Amended Dec. 12, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of sulfamic acid and sulfamic acid derivatives for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3097.1 *General Preference Order M–242*—(a) *Definitions.* For the purposes of this order:

(1) "Sulfamic acid" means the chemical compound of that name having the formula HSO_3NH_2.

(2) "Sulfamic acid derivatives" means ammonium sulfamate and fire retardants made from sulfamic acid.

(3) "Producer" means any person engaged in the production of sulfamic acid or sulfamic acid derivatives and includes any person who has any such material produced for him pursuant to toll agreement.

(4) "Distributor" means any person who has purchased, or purchases, sulfamic acid or any sulfamic acid derivative for resale.

(b) *Restrictions on delivery.* (1) On and after November 1, 1942 no person shall deliver or accept delivery of sulfamic acid or any sulfamic acid derivative without the specific authorization of the Director General for Operations upon application pursuant to paragraph (d) hereof.

(2) Each person accepting delivery of sulfamic acid or any sulfamic acid derivative pursuant to specific authorization of the Director General for Operations

shall use the same only for the purposes specified in such authorization.

(3) Each person affected by this order shall comply with such directions as may be given by the Director General for Operations at any time after October 3, 1942, with respect to the use or delivery of sulfamic acid or with respect to the use or delivery of any sulfamic acid derivative.

(c) *Production and establishment of inventories.* (1) Each producer shall comply with such directions as may be given by the Director General for Operations at any time after October 3, 1942, with respect to the production of sulfamic acid or with respect to the production of any sulfamic acid derivative.

(2) Each person shall comply with such directions as may be given by the Director General for Operations at any time after October 3, 1942, with respect to the establishment of inventories of sulfamic acid or with respect to the establishment of inventories of any sulfamic acid derivative.

(d) *Applications and reports.* In addition to such other reports as may be required from time to time by the Director General for Operations:

(1) Each person seeking authorization to accept delivery of sulfamic acid or of any sulfamic acid derivative pursuant to paragraph (b) (1) hereof, shall apply for such authorization on Form PD–600 Such applicant shall file with the War Production Board the original and two copies of such form on or before the 15th day of the month preceding the month for which such authorization is requested and shall file with his supplier one copy of such form on or before the 10th day of such month if the supplier is a producer or on or before the 5th day of such month if the supplier is a distributor, which form shall be prepared in the manner prescribed therein, subject, however, to the following specific instructions:

(i) *Heading.* Specify "sulfamic acid and sulfamic acid derivatives" and order number "M–242", and specify pounds as the unit of measure, and in addition to specifying the delivery destination, indicate the address to which communications should be directed.

(ii) *Columns 1, 11 and 19.* Specify sulfamic acid, ammonium sulfamate or fire retardant.

(iii) *Columns 3, 20 and 22.* In the case of a distributor, specify "resale pursuant to further authorization". In the case of a consumer, specify:

Ammonium sulfamate.
Fire retardant.
Flameproofed textiles.
Laboratory reagents.
Leather
Cellophane.
Dyestuffs.
Dry color.
Electroplating solution.
Other.

If "other" is specified, describe briefly.

(iv) *Column 4.* In the case of a distributor, disregard. In the case of a consumer, specify:

Military materials.
Non-military materials.
Military clothing.
Non-military clothing.
Quartermaster Corps confidential.
Other Governmental Agencies (identify) specification number.
Nitrite removal.
Washing agents.
Fixing agents.
Peptizing pigments.
Other.

If "other" is specified describe briefly.

(2) Each producer and distributor seeking authorization to deliver sulfamic acid or any sulfamic acid derivative pursuant to paragraph (b) (1) hereof, shall apply therefor on Form PD–601. Such applicant shall file with the War Production Board the original and two copies of such form on or before the 20th day of the month preceding the month for which such authorization is requested, which form shall be prepared in the manner prescribed therein, subject, however, to the following specific instructions:

(i) *Heading.* Specify "sulfamic acid and sulfamic acid derivatives" and order number "M–242", and specify pounds as the unit of measure, and in addition to specifying the plant or warehouse address, indicate the address to which communications should be directed.

(ii) *Columns 3 and 8.* Specify sulfamic acid, ammonium sulfamate or fire retardant.

(e) *Notification of customers.* Producers and distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any such person from complying with the terms hereof.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board Priorities Regulations, as amended from time to time.

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of sulfamic acid and sulfamic acid derivatives, shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(3) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C., Ref.: M–242.

(g) *Small order exemption.* The specific authorization provided for in paragraph (b) (1) hereof shall not be required with respect to the delivery by any producer or distributor to any one person during any calendar month, of five pounds or less of sulfamic acid or of any sulfamic acid derivative, to be used for analytical, testing, control, educational or research purposes, or to the acceptance of delivery thereof for such purposes, subject to the following conditions:

(1) The total amount of deliveries made by any one producer or distributor, pursuant to this paragraph (g), shall not exceed 100 pounds of sulfamic acid and sulfamic acid derivatives, in the aggregate, during any one month.

(2) Each person seeking delivery of five pounds or less of sulfamic acid, or of any sulfamic acid derivative, during any month, shall file with his supplier at the time of placing his order therefor a certificate in substantially the following form:

The undersigned hereby certifies that if delivery of the quantity of sulfamic acid or sulfamic acid derivatives covered by the accompanying order is made, the undersigned will not have received, during the month in which such delivery is to be made, in excess of five pounds of sulfamic acid and sulfamic acid derivatives, and that such material will be used solely for analytical, testing, control, educational or research purposes.

_____
(Name of customer)

By _____
(Signature of authorized officer)

Date_____ Title_____

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

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PART 3152—HEXAHYDRIC ALCOHOLS

[General Preference Order M–270]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of hexahydric alcohols for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3152.1 *General Preference Order M–270*—(a) *Definitions.* (1) "Hexahydric alcohols" means d-sorbitol, mannitol and non-crystallizing sorbitol-isomeric mixtures of any and all proportions and from any source whatever.

(2) "Supplier" means any producer or distributor of hexahydric alcohols.

(3) "Producer" means any person who produces hexahydric alcohols.

(4) "Distributor" means any purchaser of hexahydric alcohols for the purpose of resale without further processing.

(5) "Allocation month" means the period beginning on the 15th day of a calendar month and continuing through the 14th day of the calendar month following. The allocation month of January, for example, shall mean the period beginning January 15.

(b) *Restrictions on deliveries and use.* (1) Subject to paragraph (c) hereof, on and after December 15, 1942 no supplier shall deliver or use hexahydric alcohols, and no person shall accept delivery of hexahydric alcohols from a supplier, except as specifically authorized or directed by the Director General for Operations.

(2) Authorizations or directions with respect to deliveries to be made or accepted in each allocation month will so far as practicable be issued by the Director General for Operations prior to the commencement of such allocation month, but the Director General for Operations may at any time at his discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted. He may also at any time issue directions with respect to the use or uses which may or may not be made of material to be delivered or then on hand or issue directions to a producer with respect to the kinds of hexahydric alcohols which he may or must manufacture.

(3) Each person specifically authorized to accept delivery of hexahydric alcohols shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed by the Director General for Operations, or as provided in paragraph (b) (4) hereof.

(4) Hexahydric alcohols allocated for inventory shall not be used except as specifically directed by the Director General for Operations. Hexahydric alcohols allocated to fill a specified order or class of orders shall, where and to the extent that such order or class of orders is subsequently cancelled, revert to inventory.

(5) Each person who receives specific authorization to accept delivery of hexahydric alcohols in any allocation month and who shall not prior to the first day of the next succeeding allocation month have received delivery in full of the quantity so authorized, shall report such fact to the War Production Board not later than the 5th day of such succeeding allocation month.

(c) *Small order exemption.* (1) No specific authorization of the Director General for Operations shall be required for the acceptance of delivery by any person, or use by any supplier, of not more than the following quantity in the aggregate in any allocation month:

	Lbs.
d-Sorbitol—crystalline	50
Technical grade d-Sorbitol (75% Aqueous Solution)	90
Commercial Grade non-crystalline Sorbitol-isomeric mixtures	600
Mannitol—crystalline	100

Provided, That such person (or supplier) has not been specifically authorized to use or accept delivery of any quantity of hexahydric alcohols during such month.

(2) No delivery in excess of the following quantities of hexahydric alcohols shall be made or accepted in any allocation month pursuant to this paragraph (c) unless and until the person accepting delivery shall certify in writing to the person making delivery that he is entitled pursuant to this paragraph (c) to accept delivery:

	Lbs.
d-Sorbitol—crystalline	25
Technical grade d-Sorbitol (75% Aqueous Solution)	45
Commercial Grade non-crystalline Sorbitol-isomeric mixtures	55
Mannitol—crystalline	25

(3) Any supplier may deliver hexahydric alcohols without specific authorization to any person entitled to accept delivery pursuant to this paragraph (c), *Provided*, That:

(i) No producer shall in any allocation month pursuant to this paragraph (c) deliver an aggregate amount of d-sorbitol (whether crystalline or technical grade) in excess of one per cent of the amount of such d-sorbitol which he is specifically authorized to deliver during such month; nor an aggregate amount of mannitol or sorbitol-isomeric mixture in excess of two per cent of the amount of such mannitol or such mixture which he is specifically authorized to deliver during such month; and

(ii) No supplier shall make deliveries during any allocation month pursuant to this paragraph if such deliveries will prevent completion of any deliveries which have been specifically authorized for such month.

(d) *Applications and reports.* (1) Each person seeking authorization to accept delivery of (and each supplier seeking authorization to use) hexahydric alcohols in any allocation month beginning with the allocation month which commences January 15, 1943, whether for own consumption or resale, shall file application on or before the 1st day of the calendar month within which such allocation month begins. Where delivery or use is to be in the allocation month commencing December 15, 1942, such application shall be filed as many days as possible in advance of the requested acceptance of delivery or use. In each case, application shall be made on Form PD–600, in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form PD–600 may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which one shall be forwarded to the supplier and three to the War Production Board, Chemicals Division, Washington, D. C., Ref.: M–270, the fifth to be retained for your files.

(iii) In the heading, under name of chemical, specify hexahydric alcohols; under WPB Order No., specify "M–270"; under name of company, specify name and mailing address; under unit of measure, specify pounds; and specify the month and year for which authorization for use or acceptance of delivery is sought.

(iv) In Columns 1, 11 and 19 specify the particular quality or physical form ordered in terms of the following: crystalline d-sorbitol, technical d-sorbitol (aqueous solution 75%), crystalline-mannitol, commercial non-crystallizing sorbitol-isomeric mixture.

(v) In Columns 3, 20 and 22, specify your primary product in terms of the following:

Ascorbic acid
Plasticizer for gelatine capsules
Pharmaceuticals (identify)
Esters (identify)
Explosives
Electrolytic condensers
Resins
Dietetic foods
Laboratory reagent
Chemicals manufacture (specify)
Gelatine and glue extender
Paper
Textiles
Miscellaneous (identify)
Export (as sorbitol, mannitol or mixture)
Resale (as sorbitol, mannitol or mixture)
Inventory (as sorbitol, mannitol or mixture, see paragraph (b) (4))

Suppliers as defined in this order shall add after "resale" the words "upon authorization on Form PD–601", or "pursuant to paragraph (c)".

(vi) In Column 4, specify ultimate use of product (where, for example, your primary product called for in Column 3 is a sorbitol ester, the ultimate use of product might be "rayon yarn"), and also specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease, or commercial customer.

Opposite "inventory", specify the amount, if any, considered necessary to bring your inventory of hexahydric alcohols to a safe working minimum; the ratings called for by Columns 5, 6, 7 and 8 need not be filled in opposite inventory in Column 3.

(2) Each supplier seeking authorization to make delivery of hexahydric alcohols during any allocation month beginning with the allocation month which commences January 15, 1943, shall file application on or before the 5th day of the calendar month within which such allocation month begins. Application for authorization to deliver in the allocation month which commences December 15, 1942, shall be made as many days as possible in advance of the requested delivery. In any case, the application shall be made on Form PD–601 in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form PD–601 may be obtained at local field offices of the War Production Board.

(ii) Prepare four copies and forward three to the War Production Board, Chemicals Division, Washington, D. C., Ref.: M–270, retaining the fourth for your files.

(iii) Suppliers who have filed application on Form PD–600 specifying themselves as their suppliers, shall list their own names as customers on Form PD–601 and shall list their request for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical, specify "hexahydric alcohols";

under War Production Board Order No., specify "M–270"; under name of company, state name and mailing address; under unit of measure specify "pounds"; and state the month and year during which deliveries covered by your application are to be made.

(v) In Columns 3 and 8, specify grades as stated in customer's Form PD–600.

(vi) The supplier may, if he wishes, leave Column 5 blank.

(vii) Names of customers to whom small order deliveries are to be made during the next allocation month pursuant to paragraph (c) of this order need not be listed, but insert in Column 1 "Total small order deliveries (estimated)", and in Column 4, state the estimated quantity.

(viii) If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(3) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing Forms PD–600 and PD–601.

(e) *Notification of customers.* Each supplier shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(f) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref: M–270.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

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ERNEST KANZLER,
Director General for Operations.

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PART 3126—CLOTHING FOR MEN AND BOYS

[General Limitation Order L–224, as Amended Dec. 12, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of wool, silk, rayon, cotton, linen and other materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3126.1 *General Limitation Order L–224*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Wool cloth" means any cloth containing any percentage of wool, reprocessed wool or reused wool as those terms are defined in the Wool Products Labeling Act of 1939, 54 Stat. 1128, October 14, 1940, but shall not include cloth in which the only wool content is grown on adult mohair.

(2) "Put into process" means the first cutting operation of the cloth in the manufacture of men's or boys' clothing by any person, including tailors-to-the-trade and merchant tailors.

(3) "Men's" means clothing graded as men's, young men's, students', or all that does not normally grade from size 14.

(4) "Boys'" means all cloth ng normally graded up and down from size 14, but shall not include sizes smaller than 7.

(5) "Children's (male)" means boys' clothing falling between sizes 7 to 12 inclusive.

(6) "Patch pocket" means a pocket made by superimposing a patch of cloth upon the body cloth of the garment.

(7) "High-rise trousers" means trousers with the difference between the inseam measurement and the outseam measurement (measured from the top of the waistband) exceeding 11½ inches for a 32 inch waist regular, with other sizes and variations in normal proportion.

(8) "Unlined" means without linings other than a shallow yoke lining and sleeve lining.

(9) *Measurements.* Whenever particular measurements are set forth in this order, such shall refer to finished measurements after all manufacturing operations have been completed and the garment is ready for shipment.

(10) Unless otherwise expressly defined, all terms shall have their usual and customary trade meaning.

(c) *Restrictions on use of cloth in the manufacture and finishing of men's and boys' clothing*—(1) *Curtailments on use of cloth in the manufacture of coats, trousers, vests, or suits, including lumber jackets, leisure, or loafer coats, semi-dress pants, slack-suit trousers and similar types of garments.* No person shall put into process, or cause to be put into process by others for his account, any cloth for manufacture of a:

(i) Second pair of trousers for any suit (but not including any uniform), whether two or three pieces, of the same or matching material; except that this restriction shall not apply to cuts of cloth less than six yards in length (based on a width of 56 inches) in the inventory of any custom or merchant tailor on May 30, 1942 put into process by any such tailor from December 12, 1942 through February 28, 1943.

(ii) Vest for a double-breasted suit of the same or matching material;

(iii) Sack coat, jacket, or lumber jacket with:

(*a*) Length exceeding for:

(*1*) Men's—29¾ inches for a size 37 regular, with other sizes and variations in normal proportion, except that on cloths other than wool cloth, ½ inch additional shall be permitted;

(2) Boys'—24¾ inches for a size 14, with other sizes in normal proportion, except that on cloths other than wool cloth, ½ inch additional shall be permitted;

(*b*) Outside patch pockets or inside patch pockets of wool cloth, except that unlined utility jackets or lumber jackets may have two lower inside patch pockets of wool cloth and that unlined sack coats or jackets may have outside patch pockets of cloth other than wool cloth;

(*c*) Vent or belted back, or any other type of fancy back with pleats, tucks, bellows, gussets, or yokes, except a two-piece back with a belt stitched on in such a way that there is no overlay of cloth on cloth greater than one-half inch on the upper and the lower side of the belt.

(iv) Pair of trousers with:

(*a*) Maximum width exceeding 22 inches at the knee and 18½ inches at the bottom for a pair of trousers size 32 inch waist regular, with other sizes and variations in normal proportion;

(*b*) Inseam measurement exceeding, except cloth other than wool cloth, for:

(*1*) Men's—35 inches (including the turn-up) for a pair of trousers size 32 inch waist regular with other sizes and variations in normal proportion;

(2) Boys'—30½ inches (including the turn-up) for a size 14 with other sizes in normal proportion;

(*c*) Real or simulated pleat or tuck, except cloth other than wool cloth;

(*d*) Continuous waistband, extension waistband or any type of high-rise, except a continuous waistband for children (male);

(*e*) Side or back buckle strap;

(*f*) Belt-loops exceeding ¾ inch in width;

(*g*) Belt or half-belt, except for trousers without suspenders or bib for children (male);

(*h*) Patch pockets, except in boys' trousers of cloth other than wool cloth.

(v) Vest with patch pockets, collar, lapels, or of a double-breasted style.

(2) *Curtailments on finishing wool cloth trousers.* (i) No person shall finish a pair of wool cloth trousers with cuffs, including any type of simulated cuffs, or

with a permanent turn-up of over three inches or cause this to be done by others for his account. This restriction shall not apply to the alteration, repair or cleaning of trousers already finished with cuffs.

(ii) No person consummating at retail the sale of wool cloth trousers, whether separate or in a suit, who does not finish the trousers, shall deliver the trousers in an unfinished state unless he has first cut off the wool cloth in excess of that needed for a permanent turn-up of three inches.

(3) *Curtailments on the use of wool cloth in the manufacture of topcoats and overcoats (including work overcoats and fingertip coats), mackinaws, and similar types of garments.* No person shall put into process, or cause to be put into process by others for his account, any wool cloth for the manufacture of:

(i) *Single-breasted topcoats, overcoats or mackinaws.* (*a*) Men's single-breasted topcoat or overcoat exceeding 43¼ inches in length and 56 inches in sweep for a size 37 regular with other sizes and variations in normal proportion, and that in the case of men's single-breasted mackinaw, the length shall in no case exceed 32 inches;

(*b*) Boys' single-breasted topcoat or overcoat exceeding 37¼ inches in length and 48 inches in sweep for a size 14, with other sizes in normal proportion, and that in the case of boys' single-breasted mackinaw, the length shall not exceed 30 inches for a size 18, with other sizes graded up and down in normal proportion;

(ii) *Double-breasted topcoats, overcoats or mackinaws.* (*a*) Men's double-breasted topcoat or overcoat exceeding 44¼ inches in length and 62 inches in sweep for a size 37 regular, with other sizes and variations in normal proportion, and that in the case of men's double-breasted mackinaw, the length shall in no case exceed 32 inches;

(*b*) Boys' double-breasted topcoat or overcoat exceeding 37¼ inches in length and 53 inches in sweep for a size 14, with other sizes in normal proportion, and that in the case of boys' double-breasted mackinaw, the length shall not exceed 30 inches for a size 18, with other sizes graded up and down in normal proportion;

(iii) A topcoat, overcoat or mackinaw with inside or outside patch pockets of wool cloth, any type of cuffs on the sleeves, a belt, pleats, or any type of fancy back, except that men's or boys' unlined utility mackinaw may have two lower inside patch pockets of wool cloth and/or a two-piece back with a belt stitched on in such a way that there is no overlay of wool cloth on wool cloth greater than ½ inch on the upper and the lower side of the belt;

(iv) A topcoat, overcoat or mackinaw with a lining cloth containing new wool;

(v) A reversible topcoat, overcoat or mackinaw made of wool cloth on more than one side.

(4) *Curtailments on selling samples and reference swatches.* No person shall cut, or cause to be cut by others for his account, a selling sample containing over 54 square inches of cloth or a reference swatch containing over 6 square inches of cloth. This restriction shall not apply to display or selling ends used by tailors-to-the-trade or merchant tailors containing yardage, alone or in combination with an end of approximately the same length and width, sufficient to be put into process for the manufacture of trousers, coat, suit, topcoat or overcoat.

(5) *Curtailments on the manufacture of full-dress coats, cutaway coats, or double-breasted tuxedo coats.* No person shall hereafter put into process, or cause to be put into process by others for his account, any wool cloth in the manufacture of a full-dress coat, a cutaway coat, or a double-breasted tuxedo coat.

(6) *Additional curtailments on the use of cloth in the manufacture of that portion of boys' clothing known as "children's (male) clothing."* No person shall put into process, or cause to be put into process by others for his account, any cloth for the manufacture of a:

(i) Suit, jacket, mackinaw, topcoat, or overcoat with separate or attached hood, scarf, hat, helmet, cap, mittens, gloves, or purse of the same or matching material, except a mackinaw or jacket with an attached hood, if made without a collar;

(ii) Snow or ski suit with:

(*a*) Wool cloth lining, if snow or ski suit is of wool cloth;

(*b*) Separate or attached cape, muff, scarf, bag, hat, coat or mittens of the same or matching material;

(*c*) Self or contrasting cloth belt exceeding 2 inches in width;

(*d*) Collar, if an attached hood is used;

(*e*) Attached hood of wool cloth lined with wool cloth;

(*f*) More than one pair of pants or leggings.

(d) *Prohibition against sales and deliveries.* No person shall sell or deliver any men's or boys' clothing except:

(1) Clothing manufactured in accordance with the restrictions of paragraph (c) hereof;

(2) Clothing manufactured from wool cloth, including cloth containing mohair, put into process prior to May 30, 1942;

(3) Clothing manufactured from cloth other than wool cloth, excluding cloth containing mohair, put into process prior to October 26, 1942.

(4) Secondhand clothing.

(e) *Exclusions from this order.* The provisions and terms of this order shall not apply to the cutting or manufacturing of

(1) Uniforms of material and construction prescribed by applicable regulations and required to be worn by the following persons:

(i) U. S. Army officers (commissioned and warrant);

(ii) U. S. Navy officers (commissioned and warrant) and chief petty officers;

(iii) U. S. Marine Corps officers (commissioned and warrant);

(iv) U. S. Coast Guard officers (commissioned and warrant) and chief petty officers;

(v) U. S. Government military and naval academy and training school students;

(vi) U. S. Maritime Commission officers;

(vii) U. S. War Shipping Administration officers;

(viii) U. S. Coast and Geodetic Survey officers;

(ix) U. S. Public Health Service officers;

(x) U. S. Bureau of Customs personnel;

(xi) U. S. Forest Service personnel;

(xii) U. S. Immigration and Naturalization Service personnel;

(xiii) U. S. Post Office Department personnel;

(xiv) Federal, State, County, Municipal or local government policemen, guards or militia;

(xv) Flying personnel with commercial air lines;

(xvi) Organized civilian personnel assigned to the armed forces of the United States.

(2) Uniforms to fill orders on hand therefor to be delivered to the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Selective Service System, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation or Metals Reserve Company.

(3) Clothing, robes and vestments as required by the rules of religious orders and sects.

(4) Historical costumes for theatrical productions.

(5) Clothing for persons who, because of unusual height or abnormal size or physical deformities, require additional cloth for proportionate length of coat, jacket, topcoat or overcoat, or the inseam or outseam of trousers or width of trouser knee and bottom, or otherwise, but only insofar as necessary because of such unusual height or abnormal size or physical deformities.

(6) Clothing manufactured specifically in accordance with the provisions of any other applicable conservation, limitation or general preference order.

(f) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of cloth conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or telegram, Reference L–224, setting forth the pertinent facts and the reasons he considers

he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(g) *Reports.* Each person affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time.

(h) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C. Ref: L–224.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–13290; Filed, December 12, 1942; 12:36 p. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Interpretation 1 of Limitation Order L–170]

In order to clarify the classification of producers under paragraphs (b) (3), (4), (5) and (6) of § 1029.10 *Limitation Order L–170,* resulting from transfers of quotas pursuant to § 944.28 (Interpretation of Limitation and Conservation Orders with respect to the Assignability of Quotas), the following official interpretation is hereby issued with respect to said § 1029.10:

(1) Whenever a producer's total farm equipment business has been or may be sold as a going concern, continuing, in the hands of the purchaser, to make substantially the same product at the same plant and with substantially the same personnel (other than executive officers), the classification of the purchaser shall be based upon his total net sales (including those of affiliates) of all products during 1941, plus total sales of farm machinery and equipment and repair parts by the acquired company during 1941. However, if the purchaser uses the acquired company's 1940 base production under paragraph (b) (12) of Order L–170, then, for purposes of the purchaser's classification, sales of the acquired company during 1940, rather than 1941, must be used.

(2) Any other arrangement whereby a producer purports, or has purported, to assign to another person his quota (or a portion thereof) for the production of farm machinery and equipment or repair parts is invalid, unless specifically authorized for the period covered by Order L–170 by the Director General for Operations pursuant to an appeal, which should be made jointly. If such an appeal is granted, the classification of the assignee, unless otherwise directed, will be based upon his total net sales (including those of affiliates) of all products during 1941, plus the 1941 sales of that portion of the assignor's farm machinery and equipment or repair parts business acquired by the assignee. If the assignee is authorized to use the assignor's 1940 base production of such portion, then, for purposes of the assignee's classification, sales of the assignor during 1940, rather than 1941, must be used.

(3) Assignments of quota specifically authorized by appeal under Limitation Order L–26 for the period ending October 31, 1942, are not recognized for the period covered by Order L–170. Accordingly, a new appeal should be made in each case where the assignee wishes to continue producing pursuant to an assignment of quota authorized under Order L–26. Appeals by any such assignee and his classification are governed by § 944.28 and paragraph (2) above.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

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PART 1115—FUEL OIL

[Limitation Order L–56, as Amended Dec. 12, 1942]

Section 1115.1 *Limitation Order L–56* is hereby amended to read as follows:

§ 1115.1 *Limitation Order L–56*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to the applicable provisions of any priorities regulation, issued by the War Production Board, as amended from time to time.

(b) *Definitions.* (1) "Additional facilities" means any equipment designed to use fuel oil, other than internal combustion engines or equipment used for domestic cooking or illumination purposes, which equipment has been installed subsequent to July 31, 1942, and shall include only those space heaters (whether or not installed) which were transferred subsequent to July 31, 1942: *Provided,* That the replacement of worn-out parts shall not be deemed to be the installation of additional facilities when the existing equipment is not adaptable to the use of alternate fuels.

(2) "Alternate fuel" means any fuel other than fuel oil, electricity, natural gas, manufactured gas or mixed natural and manufactured gas.

(3) "Area One" means the area specified in paragraph (a) of Exhibit A hereof.

(4) "Area Two" means the area specified in paragraph (b) of Exhibit A hereof.

(5) "Space heater" means any fuel oil burning equipment (including portable heaters) designed to heat the space adjacent to such equipment without the use of pipes or ducts for conveying heat to such space.

(6) "Private dwelling" means a building or structure designed for the occupancy of fewer than four (4) families, but does not include a rooming house, boarding house, dormitory, lodging house or hotel in which four (4) or more rooms are regularly rented or available for rental, nor does it include a building in which less than seventy percent (70%) of the total floor space is used for residential purposes.

(7) "Coal spraying equipment" means any equipment designed to use or using fuel oil or any other petroleum product for the purpose of applying such fuel oil or other petroleum product to coal.

(8) "Consumer" means any person acquiring fuel oil for use, including use as a component part of any manufactured article, material, or compound other than fuel oil. The term includes dealers and suppliers to the extent that they use fuel oil, or acquire fuel oil for use rather than for transfer.

(9) "Converted facilities" means any fuel oil burning equipment which was designed to use an alternate fuel and which has been converted to the use of fuel oil.

(10) "Coupon note" means a writing signed by a person to whom or to whose account fuel oil is transferred, whereby such person agrees to surrender coupons or other evidences, of a stated gallonage value, authorized by or issued under any fuel oil ration order of the Office of Price Administration, within fifteen (15) days after the effective date of such order. Such coupon note shall be in substantially the following form:

Date: October ____, 1942

Amount: _____ Gallons

The undersigned acknowledges receipt from _____ of _____ gallons of fuel oil and agrees to surrender fuel oil ration coupons or other evidences representing such gallonage within fifteen (15) days after the effective date of any fuel oil ration order of the Office of Price Administration, in accordance with the requirements of Limitation Order L–56.

(Name and address of the transferor)

_____
(Name of transferee)

By _____
(Officer or agent)

_____
(Address of transferee)

(11) "Dealer" means any person, including a supplier, who operates a regular place of business at or from which fuel oil is regularly transferred to consumers. The term also includes any person who operates a tank truck or tank wagon for the transfer of fuel oil directly to consumers and who does not also maintain stationary fuel oil storage tanks.

(12) "Evidence" means a token designed by the Office of Price Administration to represent a right to receive a transfer of fuel oil, and exchangeable for such fuel oil. The term includes coupons, acknowledgments of delivery, inventory coupons, exchange certificates and export certificates. The term does not include delivery receipts on Form OPA R–1125.

(13) "Fuel oil" means any liquid petroleum product commonly known as fuel oil, including grades Nos. 1, 2, 3, 4, 5, and 6, Bunker "C", Diesel oil, kerosene, range oil, gas oil, or any other liquid petroleum products (except gasoline) used for the same purposes as the above designated grades.

(14) "Passenger automobile" means any motor vehicle, other than a motorcycle, built primarily for the purpose of transporting passengers and having a rated seating capacity of seven persons or less.

(15) "Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise.

(16) "Primary supplier" means: (i) Any person who refines fuel oil within Area Two; or

(ii) Any person who makes a first transfer of fuel oil within Area Two from stationary storage facilities within Area Two; or

(iii) Any consumer who maintains an establishment within Area Two at which delivery of fuel oil for his own use is taken by pipe line, barge, tank ship, or railroad tank car, directly from without Area Two; or

(iv) Any person, whether within or without Area Two, who does not maintain stationary storage facilities within Area Two, and who sends or brings fuel oil into Area Two and transfers it to a person other than a primary supplier as defined in subdivisions (i), (ii), or (iii) of this subparagraph (16).

A person shall be deemed to be a primary supplier only with respect to the establishments or facilities maintained by him at or from which operations described in subdivisions (i), (ii), (iii), or (iv) of this subparagraph are carried on, and with respect to the establishments which are replenished solely on a stock transfer basis, rather than on a sales basis, from establishments at or from which operations described in subdivisions (i), (ii), (iii) or (iv) of this subparagraph are carried on: *Provided*, That, if such person does not maintain stationary storage facilities, he shall be deemed to be a primary supplier with respect to all the mobile facilities operated by him within Area Two.

(17) "Secondary supplier" means any person, other than a primary supplier, who is engaged in the business of transferring fuel oil for resale: *Provided*, That any person who receives fuel oil on consignment from a primary supplier, title to the fuel oil remaining in the primary supplier until the time of transfer by the consignee, shall not be deemed to be a secondary supplier with respect to such fuel oil but shall, for all the purposes of this order, be deemed to be an agent of such primary supplier.

(18) "Standby facilities" means equipment (other than fireplaces) in serviceable operating condition designed to use an alternate fuel, for the operation of which a supply of such fuel is available.

(19) "Supplier" means a primary supplier, a secondary supplier, or both.

(20) "Transfer" means to sell, give, exchange, lease, lend, deliver, receive, supply or furnish, and includes the acquisition of title by legal process or operation of law, such as, but not limited to, the acquisition of title by will, inheritance or foreclosure; it also includes the use by any dealer or supplier of fuel oil held by him; but does not include the creation of a security interest or security title involving no change of possession. Delivery to a carrier for shipment, or by a carrier in the course of or in completion of shipment, shall not be deemed a transfer to or by such carrier.

(c) *Prohibited transfers of fuel oil* (1) No person shall transfer or accept a transfer of fuel oil or any other petroleum product for use in the operation of coal spraying equipment in any place in the United States: *Provided*, That nothing herein contained shall prohibit any person from transferring or accepting a transfer of fuel oil or any other petroleum product for such use when required to expedite the unloading of railroad cars in cold weather where all of the following conditions are fully complied with:

(i) The coal to be sprayed shall have been screened through not larger than a one and one quarter inch (1¼") round hole or equivalent screen.

(ii) The quantity of fuel oil or other petroleum product used in spraying such coal shall not be in excess of one quart to each ton of coal sprayed.

(iii) Such coal shall be sprayed at the mine only and only during the months of December, January, February and March.

(iv) Such coal shall be destined for and shipped only to points outside of the States of South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, New Mexico, Arizona or California.

(2) No person shall transfer or accept a transfer of fuel oil for use in the operation of additional facilities or converted facilities within Area One, except.

(i) Where in the case of new construction, the additional facilities were specified in the construction contract and the foundation under the main part of the structure in which the additional facilities were to be installed was completed prior to July 31, 1942;

(ii) Where in the case of converted facilities, such conversion was completed prior to July 31, 1942;

(iii) Where in the case of either additional or converted facilities, the person using such facilities cannot use an alternate fuel either because such fuel is unavailable or because technical utilization factors prevent its use;

(iv) Where the additional facility is a space heater:

(*a*) To the extent necessary to operate such space heater until a date to be fixed by the Office of Price Administration in Ration Order No. 11 as the final date for replacement of such space heater by equipment using an alternate fuel; or

(*b*) A local war price and rationing board established by the Office of Price Administration has issued an auxiliary ration for the operation of such space heater; or

(*c*) Such space heater is used to heat the same premises heated by it prior to July 31, 1942; or

(*d*) For the purposes of increasing efficiency, such space heater replaces a space heater which is not an additional facility or which is specified in subdivision (*c*) above; or

(*e*) Such space heater is used in a house trailer.

(3) No person shall transfer or accept a transfer of fuel oil for use in the operation of fuel oil burning equipment within Area One where standby facilities are available, unless such standby facilities are operated to take the place of such equipment to the maximum possible extent and to effect the maximum reduction of fuel oil requirements.

(4) No person shall transfer or accept a transfer of fuel oil for use in the operation of fuel oil burning equipment, within Area Two, for the purpose of cooling space (other than hospital space) for human occupancy.

(5) No person shall transfer or accept a transfer of fuel oil for the operation of a passenger automobile anywhere in the United States.

(d) *Restrictions on transfers of fuel oil to or by consumers in Area Two.* (1) Within Area Two, on and after October 1, 1942, notwithstanding the terms of any contract, agreement, or commitment, regardless of when made except as otherwise provided in Ration Order No. 11, no person other than a dealer or supplier shall transfer or offer to transfer fuel oil to a consumer.

(2) During the period from October 1, 1942 to October 31, 1942, inclusive, notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no dealer or supplier may transfer fuel oil from within or without Area Two to a consumer within Area Two or from within such area to a consumer without such area, and no consumer shall accept such transfer except in exchange for coupon notes (or coupons or other evidences), for an amount equal to the number of gallons of fuel oil transferred. Such coupon notes shall be executed and forwarded to the transferor at the time of transfer or within twenty-four (24) hours thereafter.

(3) Nothing herein shall be deemed to forbid:

(i) The transfer of fuel oil actually in the fuel supply tank of a vehicle, boat, or equipment used for purposes other than supplying heat or hot water to buildings or structures, in conjunction with a lawful and bona fide transfer of such vehicle, boat, or equipment itself; or the consumption by the transferee in such vehicle, boat or equipment of fuel oil actually in the fuel supply tank thereof at the time of transfer; or

(ii) Transfers of fuel oil by legal process or by operation of law; or transfers of fuel oil in a storage tank or other container maintained by a consumer as part of an enterprise or establishment, or in the fuel supply tank of equipment supplying heat or hot water to buildings or structures, in conjunction with a lawful

and bona fide transfer of such enterprise, establishment or equipment itself; or transfers of fuel oil by consumers to dealers or suppliers. Any person to whom a transfer of the character described in this subdivision (ii) is made within Area Two, shall forthwith report such transfer and the amount of fuel oil involved, to the local war price and rationing board in the area in which such fuel oil is located. Such person, if a dealer or supplier, shall surrender to the Board, together with such report, coupon notes signed by him for an amount equal to the number of gallons of fuel oil transferred. Such person, if not a dealer or supplier, may either:

(*a*) Transfer all or any part of such fuel oil in exchange for coupon notes for an amount equal to the number of gallons of fuel oil so transferred, and surrender to the local war price and rationing board coupon notes signed by him for an amount equal to such number of gallons; or

(*b*) Consume such fuel oil: *Provided,* That such person shall report the amount of fuel oil so consumed as fuel oil on hand if he makes application, under any fuel oil ration order issued by the Office of Price Administration, for a fuel oil ration covering the period during which such fuel oil was consumed.

(e) *Restrictions on transfers of fuel oil to dealers and suppliers within Area Two.* (1) During the period from October 1, 1942 to October 31, 1942, inclusive, no primary supplier within or without Area Two, and no dealer or secondary supplier within Area Two, shall transfer or offer to transfer fuel oil to any dealer or supplier within Area Two, and no dealer or supplier within Area Two shall accept such transfer of fuel oil, except in exchange for coupon notes (or coupons or other evidences) for an amount equal to the number of gallons of fuel oil transferred: *Provided,* That this paragraph shall not apply to transfers between primary suppliers. Such coupon notes shall be executed by the transferee and forwarded to the transferor within twenty-four (24) hours after the transfer.

(2) If, between October 1, 1942 and October 31, 1942, the place of business of any dealer or supplier within Area Two, is transferred, the transferee of the business may acquire the fuel oil inventory of the transferor without executing a coupon note. All coupon notes of the transferor shall be turned over to the transferee, and shall be held by the transferee until they have been redeemed; the coupons or other evidences received in redemption of the coupon notes shall be disposed of in the manner provided in the fuel oil ration order of the Office of Price Administration pursuant to which such coupons or evidences are issued.

(f) *Records to be kept by dealers and suppliers.* (1) At the time of making any transfer of fuel oil to any dealer or supplier within Area Two, every transferor shall furnish to such dealer or supplier an invoice delivery ticket, or other document of transfer showing the name and address of the transferee and the date and amount of the transfer. Every such transferee shall retain at his place of business for a period of at least one year from the date of such transfer of fuel oil, the invoice, delivery ticket, or other document so furnished him.

(2) Every dealer or supplier who makes a transfer to a consumer, of the type described in paragraph (d) (2), shall keep a record of such transfer, showing the name and address of the transferee, the date of the transfer, and the number of gallons of fuel oil transferred. Every dealer or supplier shall retain such record at his place of business for a period of at least one year from the date of such delivery.

(3) Every person to whom coupon notes have been given shall retain all such coupon notes and, at the time of surrender to him of coupons or other evidences in full redemption of a coupon note, shall return such note to the person who signed it: *Provided,* That on or before December 30, 1942, each such person shall report to the Regional Office of the Office of Price Administration in his region, the name and address of each person who has failed to redeem his coupon notes in full, and the amount of fuel oil transferred to such person.

(4) All coupon notes, records, reports, or other documents required by Limitation Order L–56 to be prepared and kept by any person, and the fuel oil facilities of any person, shall be subject to inspection by the War Production Board or the Office of Price Administration, or by any agent, representative or employee of either; such inspection may be made at the establishment or office of any such person at any reasonable time.

(g) *Redemption of coupon notes.* Within fifty (50) days after the effective date of any fuel oil ration order issued by the Office of Price Administration, every person who has executed (or is required by this order to execute) a coupon note shall surrender to the person to whom the note was given (or was required by this order to be given) coupons or other evidences, issued pursuant to such fuel oil ration order, equal in gallonage value to the number of gallons for which such notes were executed or required: *Provided,* That a primary supplier need not so surrender any evidences to another primary supplier.

(h) *Directions as to deliveries and conversions.* (1) The Director General for Operations may, from time to time, subject to the provisions of paragraphs (d), (e) and (g) of this order, issue specific directions directing or forbidding the transfer of fuel oil to any person or class of persons.

(2) The Director General for Operations or a representative of the Office of Petroleum Coordinator for War designated by him may from time to time examine and investigate the fuel oil burning facilities owned or operated by any person for the purpose of determining whether such equipment can be converted to the use of an alternate fuel. In making such investigation facts and circumstances which may relate to the particular problem, including the availability of alternate fuel, shall be considered. If it is found that the fuel oil burning facilities of any person may be converted to the use of alternate fuel, and that a supply of such fuel is available, without any unreasonable expenditure upon the part of the person and without working any exceptional or unreasonable hardship upon such person, then the Director General for Operations may, after notice sufficient to permit such conversion, forbid further deliveries of fuel oil for use in such facilities.

(i) *Appeals and applications.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may file an appeal setting forth the pertinent facts and the reasons why he considers himself entitled to relief. All appeals shall be filed in quadruplicate. Any appeal involving a defense housing project shall be filed with the local Federal Housing Administration Office which shall review such appeal and transmit it, together with specific recommendations, to the Director of Marketing, Office of Petroleum Coordinator for War, South Interior Building, Washington, D. C.

(j) *Reports and correspondence.* (1) All reports required to be filed and all appeals filed under paragraph (i) shall, unless otherwise directed, be addressed to the District Director of Marketing, Petroleum Administration for War, at:

(i) 122 East 42nd Street, New York, New York, if the fuel oil is to be delivered or used in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, or Florida, or the District of Columbia.

(ii) Suite 1336, 120 South LaSalle Street, Chicago, Illinois, if the fuel oil is to be delivered or used in the States of Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, or North Dakota.

(iii) 245 Mellie Esperson Building, Houston, Texas, if the fuel oil is to be delivered or used in the States of Alabama, Mississippi, Louisiana, Arkansas, Texas, or New Mexico.

(iv) 320 First National Bank Building, Denver, Colorado, if the fuel oil is to be delivered or used in the States of Montana, Wyoming, Colorado, Utah or Idaho.

(v) 855 Subway Terminal Building, Los Angeles, California, if the fuel oil is to be delivered or used in the States of Arizona, California, Nevada, Oregon, or Washington, or the Territories of Alaska or Hawaii.

(k) *Violations or false statements.* Any person who wilfully violates any provisions of this order or who wilfully furnishes false information to any department or agency of the United States in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities as-

sistance by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT A

(a) *Area One:* The States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia.

(b) *Area Two:* The States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

[F. R. Doc. 42-13294; Filed, December 12, 1942; 12:58 a. m.]

PART 950—CUTTING TOOLS

[General Preference Order E-2-b as Amended Dec. 12, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of cutting tools for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 950.3 *General Preference Order E-2-b*—(a) *Definitions.* For the purposes of this order:

(1) "Producer" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not, engaged in the production of cutting tools.

(2) "Cutting tools" means the following types of tools designed for cutting metals, whether of standard or special design, which are manufactured of carbon steel, alloy steel and/or non-ferrous alloys:

Cut thread taps.
Hard alloy blanks or tips.
Ground thread taps.
Threading dies.
Straight shank drills (including long set drills).
Taper shank drills.
Combined drills and countersinks.
Ship plate countersinks.
Counterbores (all types).
Hand reamers and taper pin reamers.
Inserted blade reamers and blades.
Bridge and car reamers.
All other machine reamers.
Circular saws.
Form cutters, (including gear cutters and thread hobs).
Hobs—ground and unground.
Other gear tooth generating cutters and tools.
Gear finishing tools.
Inserted tooth milling cutters and blades.
All other milling cutters.
Form tools—flat and circular.
Rotary files.
Chasers.
Round broaches.
Flat broaches.
Spline broaches.
All tool bits except those produced by steel producers.
Cut-off blades.
Router bits.
Solid boring bars and boring tools.
Inserted boring bars and boring tools.

(3) "Special cutting tool" means any cutting tool of a type or size not listed in a producer's catalog as of November 1, 1942.

(4) "Total monthly production" means the total dollar value of each type of cutting tool, including both special and standard tools of that type, to be scheduled for production in any given month by a producer. In calculating total monthly production any producer using cutting tools of his own manufacture in his production of cutting tools or machine tools, or using cutting tools of his own manufacture for original tooling on machine tools being produced by him, shall exclude the value of such cutting tools to be scheduled for production in such month.

(5) "Special cutting tools required for original tooling" means those special cutting tools required as a part of the tooling for a new or rebuilt machine tool, or for a machine tool which is being adapted to an operation different from that in which it was previously employed, in order to make such machine tool usable in production for the purposes intended.

(6) "Continental United States" means the territory comprising the several States and the District of Columbia.

(b) *Scheduling of total monthly production.* Commencing with the month of October, 1942, and every month thereafter each producer shall schedule his total monthly production as follows:

(1) 10 per cent of his total monthly production of each type of cutting tool specified in paragraph (a) (2) shall be scheduled for delivery against purchase orders for that type of special cutting tool required for original tooling, subject to the following provisions:

(i) No purchase order shall be scheduled pursuant to paragraph (b) (1) unless it has been received 15 or more days prior to the 1st day of the month in which it is being scheduled for delivery and unless it bears the following endorsement:

All cutting tools specified on this purchase order are special cutting tools required for use by the undersigned for original tooling or for resale for such use. Their delivery will not at any time effect an increase of such cutting tools in the undersigned's inventory beyond a ninety-day supply, except as permitted in paragraph (d) (3) of General Preference Order No. E-2-b with the terms of which the undersigned is familiar.

Name and address of purchaser
By ---
Authorized signature

(ii) The sequence of deliveries on purchase orders bearing the above endorsement, within the percentage limitation on orders which may be filled in any given month pursuant to such endorsement, shall be scheduled according to the terms of Priorities Regulation No. 1 and other applicable priorities regulations.

(iii) Purchasers of special cutting tools who have placed their purchase orders prior to September 15, 1942, and who are entitled to obtain their special cutting tools pursuant to paragraph (b) (1) may apply the endorsement herein specified to their existing purchase orders by mailing a letter on or before September 15, 1942, to the producer stating the date and number of the purchaser's order and setting forth the required endorsement.

(iv) Any portion of the percentage set forth in paragraph (b) (1) which has not been taken up by purchase orders properly endorsed hereunder shall be scheduled for delivery against other purchase orders in accordance with paragraph (b) (2) hereof.

(2) Ninety percent of his total monthly production of each type of cutting tool specified in paragraph (a) (2), together with any portion of the percentage stated in paragraph (b) (1) which has not been taken up by purchase orders properly endorsed thereunder, shall be scheduled for delivery against other purchase orders received by such producer subject to the following provisions:

(i) No purchase order shall be scheduled pursuant to paragraph (b) (2) unless such purchase order bears one of the endorsements specified in this order, including the following endorsement:

The delivery of the cutting tools specified in this purchase order will not at any time effect an increase of such cutting tools in the undersigned's inventory beyond a 90-day supply, except as permitted in paragraph (d) (3) of General Preference Order No. E-2-b, with the terms of which the undersigned is familiar.

Name and address of purchaser
By ---
Authorized signature

(ii) Purchase orders for special cutting tools required by any prime or subcontractor of the Army, Navy, Maritime Commission, or War Shipping Administration as a result of a change in design or other alteration in the specifications of the product being produced by such prime contractor or subcontractor shall be given preference over all other purchase orders scheduled pursuant to paragraph (b) (2). No such purchase order shall be given such preference unless it has been received 15 or more days prior to the 1st day of the month in which such purchase order is being scheduled for delivery and unless it bears the following endorsement:

All cutting tools specified on this order are special cutting tools required by the undersigned as a result of change in design or other alteration in the specifications of the product being produced by a prime or subcontractor of the Army, Navy, Maritime Commission, or War Shipping Administration. Their delivery will not at any time effect an increase of such cutting tools in the undersigned's inventory beyond a 90-day supply, except as permitted in paragraph (d) (3) of General Preference Order No. E–2–b, with the terms of which the undersigned is familiar.

Name and Address of Purchaser
By ---
Authorized Signature

(iii) Except as otherwise provided in paragraph (b) (2), the sequence of deliveries of purchase orders scheduled pursuant to paragraph (b) (2), within the percentage limitation on orders which may be filled pursuant thereto, shall be scheduled according to the terms of Priorities Regulation No. 1 and other applicable priorities regulations.

(iv) Purchasers of cutting tools who have placed their purchase orders prior to September 15, 1942, and who are entitled to obtain such cutting tools pursuant to paragraph (b) (2) may apply to their existing purchase orders the endorsement herein specified for such purchase orders by mailing a letter on or before September 15, 1942, to the producer stating the date and number of the purchaser's order and setting forth the required endorsement.

(c) *Effect of endorsement.* Any endorsement made pursuant to this order shall constitute a representation to the seller and to the War Production Board of the truth of the facts therein set forth, upon which the seller shall be entitled to rely unless he knows or has reason to believe the same to be false.

(d) *Restriction on sales and purchases of cutting tools.* (1) Except as provided in (d) (1) (i) and (ii) below, no person shall sell or deliver, nor shall any person buy or accept delivery of, any cutting tools except pursuant to a preference rating of A–9 or higher, or except pursuant to specific permission of the Director General for Operations.

(i) Purchase orders for special cutting tools carrying a rating of A–10 received prior to August 31, 1942, may be completed and delivered.

(ii) Cutting tools produced from steel other than high-speed steel, as defined in Supplementary Order M–21–h as amended, may be purchased, sold and delivered pursuant to a preference rating of A–10 or higher.

(2) No person shall sell or deliver, nor shall any person buy or accept delivery of, any cutting tools unless the purchase order for such cutting tools is accompanied by the endorsement specified for such purchase order in this order: *Provided, however,* That cutting tools, which are delivered with another tool, may be purchased, sold and delivered without such endorsement so long as such cutting tools are required to render such other tool usable in production for the purposes intended.

(3) No person shall buy or accept delivery of any cutting tools, the delivery of which will at any time effect an increase in the purchaser's inventory thereof beyond a 90-day supply: *Provided, however,* That deliveries of cutting tools, pursuant to the following designated types of purchase orders, shall be permitted to effect such an increase:

(i) Purchase orders for a quantity which is the producer's minimum practicable manufacturing quantity.

(ii) Purchase orders placed by any procurement agency of the United States pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(iii) Purchase orders placed by the Army, Navy or Maritime Commission for cutting tools required for bases or supply depots outside the continental United States, or for bases or supply depots within the continental United States which are maintained for emergency purposes or to supply such bases or supply depots outside the continental United States.

(iv) Any other purchase order specifically excepted from this restriction by the Director General for Operations.

(4) No person shall sell or deliver to the same purchaser, nor shall any person buy or accept delivery from one or more sellers of, more than the producer's minimum practicable manufacturing quantity of special cutting tools required for original tooling pursuant to paragraph (b) (1) (i): *Provided, however,* That, except as otherwise provided in paragraph (d) (3) hereof, three sets of such special cutting tools of the same type and size for each new or rebuilt machine tool or for each machine tool which is being adapted to an operation different from that on which it was previously employed, in order to make such machine tool usable in production for the purposes intended, may be purchased, sold and delivered.

(5) No person shall sell or deliver to the same purchaser, nor shall any person buy or accept delivery from one or more sellers of, more than the producer's minimum practicable manufacturing quantity of special cutting tools pursuant to paragraph (b) (2) (ii): *Provided, however,* That, except as otherwise provided in paragraph (d) (3) hereof, three sets of special cutting tools of the same type and size required by reason of any single change in design or other alteration in the specifications of the product being produced by a prime or subcontractor of the Army, Navy, Maritime Commission or War Shipping Administration, may be purchased, sold and delivered.

(e) *Continuance of schedules.* Schedules of production and delivery of cutting tools as established by Priorities Regulation No. 1 and other applicable regulations shall be continued until October 1, 1942 subject to the restrictions on sales and deliveries thereof contained in paragraph (d) (1) hereof. Thereafter production and delivery shall be scheduled in accordance with this order: *Provided, however,* That present schedules on purchase orders placed by the Procurement Division of the United States Treasury for shipment to the U. S. S. R. shall be maintained notwithstanding priorities regulations or any other provision of this order if the delivery schedules for such order have been established by a specific letter to the producer from the Director General for Operations or his predecessor, the Director of Industry Operations.

(f) *Allocation of cutting tool capacity in emergencies.* Notwithstanding the provisions of this order, the Director General for Operations may allocate to any purchaser, or may order any cutting tools scheduled for production and delivery at a specific time for a specific purchaser. No person other than the Director General for Operations may give any directions concerning sequence of production or deliveries of cutting tools.

(g) *Supplementary Order E–2–a superseded.* This order supersedes Supplementary Order E–2–a issued on August 28, 1941 and all amendments thereto.

(h) *Reports.* Each person to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of material conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director General for Operations by addressing a letter to the War Production Board, Washington, D. C., Ref: E–2–b, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(k) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Tools Division, Washington, D. C., Ref: E–2–b.

(l) This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time: *Provided, however,* Notwithstanding the provisions of § 944.12 of Priorities Regulation No. 1 as amended, the restrictions on deliveries of cutting tools contained in this order shall not be applicable to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any

other enterprise under common ownership or control.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13293; Filed, December 12, 1942; 1:02 p. m.]

PART 939—HIGH-SPEED STEEL

[Revocation of General Preference Order M-14]

Section 939.1 *General Preference Order M-14* is hereby revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13316; Filed, December 14, 1942; 11:36 a. m.]

PART 962—IRON AND STEEL

[Supplementary Order M-21-a, as Amended Dec. 14, 1942]

ALLOY IRON, ALLOY STEEL AND ELECTRIC FURNACE CARBON STEEL

Supplementary Order M-21-a (§ 962.2) is amended to read as follows:

§ 962.2 *Supplementary Order M-21-a*—(a) *Definitions.* For the purposes of this order:

(1) "Alloy steel" means any steel containing any one or more of the following elements in the following amounts:

Manganese, maximum of range in excess of 1.65%. Silicon, maximum of range in excess of 0.60%. Copper, maximum of range in excess of 0.60%. Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

(2) "Alloy iron" means any iron containing any one or more of the following elements in the following amounts:

Manganese, maximum of range in excess of 1.65%. Silicon, maximum of range in excess of 5.00%. Copper, maximum of range in excess of 0.60%. Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

It does not include those materials commonly known as ferro-alloys.

(3) "Electric furnace carbon steel" means any steel other than alloy iron or alloy steel that is melted in any type of electric furnace.

(4) "Producer" means any person who melts alloy iron, alloy steel or electric furnace carbon steel for subsequent conversion into rolled or forged products.

(b) *Purchasers' statements.* Each person who orders alloy iron, alloy steel or electric furnace carbon steel from a producer shall include in the purchaser's statement required by paragraph (c) of General Preference Order M-21 the end use (by general classification and specific part name) for which such material will be used, the Government contract number (if any), and the date on which delivery is needed.

(c) *Producers' forms.* Each producer shall file monthly with the War Production Board, Reference: M-21-a, melting schedules on forms PD-391, 391-a, and such other forms as may be from time to time prescribed. The Director General for Operations may make such changes in any melting schedule as to him shall seem appropriate and may from time to time issue supplementary directions with regard to melting of alloy iron, alloy steel and electric furnace carbon steel.

(d) *Melting and deliveries of alloy iron, alloy steel and electric furnace carbon steel.* Except pursuant to specific authorization or direction of the Director General for Operations, alloy iron, alloy steel or electric furnace carbon steel, shall be melted and delivered as follows:

(1) Each producer shall melt alloy iron, alloy steel or electric furnace carbon steel in accordance and only in accordance with such melting schedules as are approved by the Director General for Operations or such supplementary directions as may from time to time be issued by the Director General for Operations.

(2) Each producer shall deliver alloy iron, alloy steel or electric furnace carbon steel on an order and only on an order for which the melting has been specifically authorized or directed by the Director General for Operations.

(e) *Special directions.* The Director General for Operations may from time to time issue directions as to facilities to be used in production and directions specifying as to any alloying element the quantities and proportions which may be used in making alloy iron or alloy steel, and whether and in what proportions, any such element is to be the metal, a ferro-alloy, reclaimed metal, scrap, a chemical compound or any other material containing such element.

(f) *Restrictions of deliveries under toll agreements.* Except pursuant to specific authorization or direction of the Director General for Operations, no person shall make or accept delivery under any toll agreement whereby one person melts alloy iron, alloy steel or electric furnace carbon steel for another person.

(g) *Exceptions.* The provisions of this order shall not apply to "tool steel" as defined by Supplementary Order M-21-h, or to alloy iron, alloy steel or electric furnace carbon steel castings.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub Laws 89 and 507, 77th Cong.)

Issued this 14th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13317; Filed, December 14, 1942; 11:36 a. m.]

PART 962—IRON AND STEEL

[Supplementary Order M-21-h]

TOOL STEEL

§ 962.9 *Supplementary Order M-21-h*—(a) *Definitions.* For the purpose of this order:

(1) "Tool steel" means any steel to be used for the manufacture of tools for use in mechanical fixtures for cutting, shaping, forming, and blanking of material, either hot or cold, and for precision gauges. It is not deemed to include steel for use as shanks in the manufacture of tipped or welded tools or for hand tools such as chisels, pliers, screw drivers, wrenches, centering punches and nail-sets.

(2) "Alloy steel" means alloy steel as defined in paragraph (a) of Supplementary Order M-21-a.

(3) "High-speed steel" means alloy tool steel of either of the following classes:

(i) "Class A high-speed steel" means either alloy steel containing not less than .60% carbon and more than 3.0% molybdenum; or alloy steel containing not less than .60% carbon, 6.0% or less tungsten, and more than 3.0% molybdenum.

(ii) "Class B high-speed steel" means alloy steel containing not less than .55% carbon and more than 12.0% tungsten.

Other alloying elements may be present in the high-speed steels of either class, but steel not containing the elements named, in the amount specified, shall not be deemed high-speed steel.

(4) "Producer" means any person who melts tool steel.

(b) *Purchasers' statements.* Each person who orders tool steel from a producer for melting on or after January 1, 1943, shall include in the purchaser's statement required by paragraph (c) of General Preference Order M-21, a statement that the material ordered is "tool steel" as defined by this Supplementary Order M-21-h, the Government contract number (if any), and the date on which delivery is needed.

(c) *Producers' forms.* Each producer shall file monthly with the War Production Board, Ref.: M-21-h, melting schedules on form PD-440, and such other forms as may be from time to time prescribed. The Director General for Operations may make such changes in any melting schedule as to him shall seem appropriate and may from time to time issue supplementary directions with regard to melting of tool steel.

(d) *Melting and deliveries of tool steel.* Except pursuant to specific authorization or direction of the Director General for Operations, tool steel shall be melted and delivered as follows:

(1) Each producer shall melt tool steel in accordance and only in accordance with such melting schedules as are approved by the Director General for Operations or such supplementary directions as may from time to time be issued by the Director General for Operations.

(2) Each producer shall deliver tool steel on an order and only on an order

for which the melting has been specifically authorized or directed by the Director General for Operations.

(e) *Special instructions.* The Director General for Operations may from time to time issue directions as to facilities to be used in production and directions specifying as to any alloying element the quantities and proportions which may be used in making tool steel, and whether and in what proportions any such element is to be the metal, a ferro-alloy, reclaimed metal, scrap, a chemical compound or any other material containing such element.

(f) *Restrictions of deliveries under toll agreements.* Except pursuant to specific authorization or direction of the Director General for Operations, no person shall make or accept delivery under any toll agreement whereby one person melts tool steel for another person.

(g) *Melting and deliveries of high-speed steel.* Except pursuant to specific authorization or direction of the Director General for Operations

(1) No producer shall melt high-speed steel except within the limits below specified for the following elements:

(i) Class A high-speed steel:

Grade	C.	Cr.	W.	Mo.	V.	Co.
	Min.	*Max.*	*Max.*	*Max.*	*Max.*	*Min.*
I	.60	4.5	6.0	5.0	1.6	0.0
Ic	.60	4.5	6.0	5.0	1.9	3.5
II	.60	4.5	1.8	8.75	1.2	0.0
IIc	.60	4.5	1.8	8.75	1.9	3.5
III	.60	4.5	-------	8.75	1.9	0.0
IIIc	.60	4.5	-------	8.75	1.9	3.5

(ii) Class B high-speed steel:

Grade	C.	Cr.	W.	V.	Co.
	Min.	*Max.*	*Max.*	*Max.*	*Min.*
IV	.55	4.5	19.0	1.10	0.0
IVc	.55	4.5	22.0	1.90	3.5

(2) On and after January 1, 1943 no producer shall melt in any calendar quarter, Class B high-speed steel which will exceed, in the aggregate, by weight, one-third of the Class A high-speed steel melted by him in such quarter.

(3) No person shall place an order with a producer or any other person for Class B high-speed steel if Class A high-speed steel would reasonably fulfill his requirements.

(4) On and after January 1, 1943 no person shall place with a producer and no producer shall accept in any calendar quarter orders for Class B high-speed steel which will exceed, in the aggregate, by weight, one-third of the Class A high-speed steel ordered by such person from such producer during such quarter, except that this provision shall not apply to the placement of orders for high-speed steel with warehouses. On and after January 1, 1943, no person shall request cancellation from a producer in any calendar quarter, of any order for Class A high-speed steel, unless such person shall also request cancellation of an order or orders for one-third of such quantity, by weight, of Class B high-speed steel placed with such producer or some other producer during such quarter.

(5) On and after January 1, 1943, no person shall accept from a producer in any calendar quarter, deliveries of Class B high-speed steel which will exceed in the aggregate, by weight, one-third of the aggregate of deliveries of Class A high-speed steel made to him by all producers during such quarter, except that this provision shall not apply to deliveries of high-speed steel by warehouses.

(6) Customers' orders for high-speed steel which are to be filled in whole or in part by the use of material, including tungsten ore, ferro tungsten, and tungsten-bearing scrap, furnished by such customers shall be subject to all the restrictions and provisions of this order.

(h) *Melting and deliveries of Class A high-speed steel.* Except pursuant to specific authorization or direction of the Director General for Operations

(1) On and after December 1, 1942, no producer shall melt during any calendar month Class A high-speed steel, grades II and III, in excess of 30% of the monthly average tonnage of such Class A high-speed steel melted by him during the second calendar quarter of 1942.

(2) No person shall accept for delivery from a producer during the fourth calendar quarter of 1942, Class A high-speed steel, grades II and III, in excess of 75% of the amount of such Class A high-speed steel received by him during the second calendar quarter of 1942.

(3) No person shall accept for delivery from a producer during the first calendar quarter of 1943, Class A high-speed steel, grades II and III, in excess of 35% of the amount of such Class A high-speed steel received by him during the second calendar quarter of 1942.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Steel Division, Washington, D. C.; Ref.: M-21-h.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13318; Filed, December 14, 1942; 11:36 a. m.]

PART 1021—FURNACES

[Supplementary General Limitation Order L-22-a]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron, steel and other metals for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1021.2 *Supplementary General Limitation Order L-22-a*—(a) *Definitions.* For the purpose of this order:

(1) "Furnace" means any direct fired air heating unit which is designed for the purpose of heating the interior of a building, including, but not limited to, any heating device commonly known as a gravity or forced warm air furnace, a free-standing heater, or a floor-mounted industrial unit heater, for use with or without air distribution pipes. But "furnace" does not mean a domestic heating stove as defined in Supplementary General Limitation Order L-23-c, extended surface heating equipment as defined in General Limitation Order L-107, a direct fired suspended unit heater or a floor or wall furnace.

(2) "Steel furnace" means any furnace the body or drum of which is made wholly or partially of steel.

(3) "Military furnace" means any furnace which is manufactured for delivery to or for the account of the Army, Navy, War Shipping Administration, or the Maritime Commission of the United States or the Defense Plant Corporation.

(b) *Restriction on manufacture.* From and after December 31, 1942 no person shall manufacture, fabricate, or assemble any steel furnace, except that the manufacture, fabrication, or assembly of steel military furnaces may be specifically authorized by the Director General for Operations on Form PD-704. The Director General for Operations in granting such authorization may specify the manufacturer and the place of delivery.

(c) *Replacement parts.* From and after December 31, 1942, no person shall put into process in the manufacture of replacement parts for steel furnaces in any calendar quarter a greater weight of iron and steel than two hundred percent (200%) of the weight of iron and steel put by him into such process during the corresponding calendar quarter of 1940.

(d) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request be submited to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each person to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(g) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(h) *Applicability of other orders.* Insofar as any other order issued by the Director General for Operations, or to be issued by him hereafter, limits the use of any material to a greater extent than the limitations imposed by this order, the restriction of such order shall govern unless otherwise specifically provided.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(j) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing, and using, materials under priority control and may be deprived of priorities assistance.

(k) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington, D. C.; Ref.: L-22-a.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13319; Filed, December 14, 1942; 11:37 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Supplemental General Imports Order M-63-a as Amended Dec. 14, 1942]

Pursuant to General Imports Order M-63, as amended June 2, 1942, which this order supplements, *It is hereby ordered,* That:

§ 1042.2 *Supplemental General Imports Order M-63-a.* Until further order of the Director General for Operations, the provisions of General Imports Order M-63, as amended June 2, 1942, and thereafter, shall not apply to materials on List III of said order which are located in, and are the growth, production, or manufacture of, and are transported into the continental United States overland, by air, or by inland waterway from, Canada, Mexico, Guatemala, or El Salvador, except with respect to materials listed on Schedule A attached hereto.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

Material:	*Commerce import class No.*	*Effective date*
Canary seed	2452.0	Dec. 14, 1942
Chicle, crude and refined or advanced	2131.0	
	2189.3	Dec. 14, 1942
Molasses, edible and inedible	163.48–1640.0 inc.	Dec. 14, 1942
Oil cake and oil cake meal, made of cottonseed, peanut, hempseed and others (except coconut or copra, soybean, and linseed)	1114.0	Dec. 14, 1942
	1119.6–1119.9 inc.	
Sesame seed	2234.0	Nov. 26, 1942

[F. R. Doc. 42-13320; Filed, December 14, 1942; 11:35 a. m.]

PART 1142—DRY CELL BATTERIES AND PORTABLE LIGHTS OPERATED BY DRY CELL BATTERIES

[Supplementary Limitation Order L-71-a]

HEARING AID BATTERIES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of hearing aid batteries, and critical materials used in the production of such batteries for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1142.2 *Supplementary General Limitation Order L-71-a*—(a) *Definitions.* For the purposes of this order:

(1) "Hearing aid battery" means any dry cell battery designed and produced primarily for use in any hearing aid device for personal use.

(2) "Manufacturer" means any person engaged in the business of manufacturing or assembling hearing aid batteries.

(3) "Circular C435" means Circular C435 of the National Bureau of Standards, issued February 18, 1942, entitled "American Standard Specification for Dry Cells and Batteries".

(b) *General restrictions.* On and after March 1, 1943, no manufacturer shall produce any hearing aid batteries which do not conform to the following limitations:

(1) Each hearing aid battery for carbon type hearing aid device shall contain either two or three cells none of which shall be smaller than the cell designated "CD" in Table 1 of Circular C435, with the modifications permitted in Section 2.2 of that Circular, except that four or six cells designated as "C" in such Table may be used in a battery containing a dual circuit.

(2) No "A" or "B" hearing aid battery shall contain as an integral part of such battery a wire connector designed to be attached to its complementary "B" or "A" battery, respectively.

(3) Each "A" hearing aid battery shall contain as terminals either

(i) Plug-in sockets having the terminal arrangement shown in IV in Figure 1 in Circular C435; or

(ii) Flashlight cell type terminals as described in Section 11.4 of Circular C435.

(4) Except as provided in subparagraph (5) of this paragraph (b), each "B" hearing aid battery

(i) Shall conform to one of the following four limitations:

(*a*) 18 volts, 12 cells;

(*b*) 30 volts, 20 cells;

(*c*) 33 volts, 22 cells; or

(*d*) 45 volts, 30 cells.

(ii) Shall contain as terminals plug-in sockets having the terminal arrangement shown in III in Figure 1 in Circular C435, except that up to and including May 31, 1943, a manufacturer may produce 30 volt "B" batteries containing terminals having the arrangement shown in XI in Figure 2 of Circular C435.

(5) Each "A" or "B" hearing aid battery which contains a label bearing the name or trade mark of any manufacturer of hearing aid devices shall also indicate on such label the voltage of the battery and contain the following language: "This battery is produced in accordance with War Production Board orders and is designed to be suitable for use with any make of hearing aid device which requires for its operation a battery of this voltage and which is equipped with suitable connectors."

(c) *Applicability of other orders.* Insofar as any other Order heretofore or hereafter issued by the Director of Priorities, the Director of Industry Operations or the Director General for Operations, including Limitation Order L-71, limits the use of any material in the production of hearing aid batteries to a greater extent than the limits imposed by this Order, the restrictions in such other order shall govern unless otherwise specified therein.

(d) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regula-

tions of the War Production Board, as amended from time to time.

(e) *Violations.* Any person who wilfully violates any provision of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(g) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(h) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(i) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(j) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers' Durable Goods Division, Washington, D. C.; Ref.: L–71–a.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13321; Filed, December 14, 1942; 11:37 a. m.]

PART 1172—ASBESTOS TEXTILES

[Conservation Order M–123 as Amended Dec. 14, 1942]

Section 1172.1 (Conservation Order M–123) is hereby amended to read as follows:

§ 1172.1 *Conservation Order M–123*—(a) *Definitions.* For the purposes of this order:

(1) "Asbestos textile" means any material produced from the mineral asbestos by a carding operation. The term also includes such material at any stage of process subsequent to the carding operation, except where it has become a finished item, or part thereof, or has been physically incorporated in a finished item, or part thereof. The term does not include scrap.

(2) "Supplier" means any person who produces any asbestos textiles in any form, either for use by himself as a manufacturer or for sale to other manufacturers. The term also includes any person who offers any asbestos textile for sale to manufacturers.

(3) "Manufacturer" means any person who uses any asbestos textile to manufacture or fabricate a finished item.

(4) "Put into process" means the first change by the manufacturer in the form of material from that form in which it is received by him.

(5) "Process" means change in any way the size, form, shape, or characteristics of the material. It also means assemble.

(6) "Assemble" means combine or add parts, whether of asbestos textile or any other material, with or to other products or parts manufactured or fabricated in whole or in part of asbestos textile, where the final product will not be a finished item ready for immediate sale or use without the combination or addition of such products or parts. The term shall not be deemed to include the putting together of a finished item after delivery to a sales outlet or consumer in knockdown form pursuant to an established custom. The term shall also not be deemed to include adding finished parts to an otherwise finished item where the placing of one or more finished parts, or the size or type of one or more finished parts, is determined by the use to which the ultimate consumer is to put the item.

(7) "Finished item" means oil burner wicking or any item on List A or List B.

(8) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of, or under common control with, or available for the use of, such person.

(9) "Implements of war" means combat and products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armament, weapons, ships, tanks, and military vehicles), and any parts, assemblies, and materials to be incorporated in any of the foregoing items being produced for the Army or the Navy of the United States, the Maritime Commission, the War Shipping Administration, or for any foreign government pursuant to the act approved March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), where the use of any asbestos textile to the extent employed is required by the latest issue of government specifications (including performance specifications, unless otherwise directed by the Director General for Operations) applicable to the contract, subcontract, or purchase order. The term does not include facilities or equipment used to manufacture the foregoing items.

(10) "Scrap" means any asbestos textile, the further process of which as an asbestos textile is not practicable.

(b) *Restrictions on delivery of asbestos textiles.* On and after December 14, 1942, no supplier shall deliver any asbestos textile to any manufacturer when he knows, or has reason to know, that such manufacturer will receive or use such asbestos textile in violation of the terms of this order.

(c) *Restrictions on manufacture of List A products*—(1) *Putting into process.* On and after December 14, 1942, no manufacturer shall put into process any asbestos textile to make any item on List A or part thereof.

(2) *Processing.* On and after December 14, 1942, a manufacturer may continue the processing of any asbestos textile already in process on such date to make any item on List A or part thereof, provided the processing thereof will be completed on or before February 1, 1943. On and after February 1, 1943, no manufacturer shall process in any way any asbestos textile to make any item on List A or part thereof.

(d) *Restrictions on manufacture of List B products.* On and after the governing date specified in List B, no manufacturer in the manufacture of any item on List B shall put into process any asbestos textile of a grade containing a greater percentage of asbestos than underwriter's grade as defined in paragraph (5) (a) of A. S. T. M. Designation: D299–37.

(e) *Restrictions on manufacture of oil burner wicking.* In the period between December 14, 1942, and January 1, 1943, and in any calendar month thereafter, no manufacturer shall put into process any asbestos textile in the manufacture of oil burner wicking in excess of 1/24 of the aggregate amount by weight of such asbestos textile put into process by such manufacturer in the manufacture of oil burner wicking in the calendar year 1941.

(f) *Restrictions on delivery of finished items.* No person shall deliver or accept delivery of any finished item which he knows, or has reason to know, was manufactured in violation of the terms of this order.

(g) *General exception.* Except as provided in paragraph (f), none of the provisions of this order shall be deemed to limit or restrict the sale, delivery, or use of any finished item, or the further processing of any such item, provided such further processing is necessary for purposes of installation, application, servicing, or repair of such item.

(h) *Limitations of inventories*—(1) *Suppliers' inventories.* No supplier shall produce asbestos textiles which shall result in an inventory of such material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the use of asbestos textiles by this order.

(2) *Manufacturers' inventories.* No manufacturer shall receive delivery of any asbestos textile in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, nor shall he put into process any raw material in quantities which in either case shall result in an inventory of raw, semi-processed, or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the use of asbestos textiles by this order.

(i) *Reports.* Each supplier, each manufacturer, and every other person affected by this order shall file such re-

ports as may be requested from time to time by the Director General for Operations.

(j) *Miscellaneous provisions*—(1) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(2) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all items manufactured after December 14, 1942, irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to such date. Insofar as any other order of the Director General for Operations may have the effect of limiting or curtailing to a greater extent than herein provided, the use of asbestos textile in the production of any item, the limitations of such other order shall be observed.

(3) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Cork-Asbestos Division, Washington, D. C.: Ref.: M–123.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

RESTRICTED USES OF ASBESTOS TEXTILES UNDER CONSERVATION ORDER M–123 AS AMENDED DECEMBER 14, 1942

LIST A

1. Theater curtains and scenery.
2. Vibration eliminators (except for implements of war).
3. Gun covers.
4. Radiator hose (except for implements of war).
5. Ammunition containers.
6. Fire stops in automotive vehicles, buses, or trucks.
7. Conveyor belts (except for glass industry).
8. Heaters and heater accessories (except for implements of war).
9. Filter sacks for liquids.
10. Parachute flare shields.
11. Clutch facing for automotive vehicles (except for implements of war), in accordance with numbers assigned by the Brake Lining Manufacturers Association in B. L. M. A. Catalog as shown in the 1939 edition, the 1940 supplement to the 1939 edition, and the 1941 edition, to-wit:

416	900	967	1033
506	902A	967A	1047
516	905	968	1047A
614	905A	968B	1051
620	905D	969	1052
621	905E	975	1053
621A	905F	979	1056
628	909	980	1057
629	909A	982	1057A
636	909B	985	1057B
637	929B	985A	1057C
638	929D	987	1058
718	930–1	988	1059
719B	940	988A	1059A
732	941A	990	1059B
736A	946	990A	1068
736B	953A	991	1072
738	953C	991A	1142B
821B	953D	991B	1142C
827	953E	993	1154A
859	954	993A	1169
862A	955	994	1169A
862B	955A	995	1170
880	955B	999	1173
891	956	1005A	1181
896A	956A	1007A	
898	966	1008A	

12. Brake lining in widths less than 2" or in thickness less than ¼" (except for implements of war and except for B. L. M. A. Nos. 336 and 341A).

LIST B

	Governing date
1. Laminated plastics	February 14, 1943.
2. Mechanical packing or gasket material, which means any asbestos textile material which has been graphited, friction treated, or otherwise treated with an adhesive or impregnating substance, for use as, or for use in the manufacture of, mechanical packings or gaskets (except that produced from blue asbestos fiber, and except for implements of war)	December 14, 1942.

[F. R. Doc. 42–13322; Filed, December 14, 1942; 11:35 a. m.]

PART 1174—LAUNDRY EQUIPMENT, DRY CLEANING EQUIPMENT AND TAILORS' PRESSING MACHINERY

[General Limitation Order L–91 as Amended Dec. 14, 1942]

Section 1174.1 *General Limitation Order L–91* as heretofore amended is further amended to read as follows:

§ 1174.1 *General Limitation Order L–91*—(a) *Definitions.* For the purposes of this order:

(1) "Manufacturer" means any person fabricating or assembling commercial laundry machinery, commercial dry cleaning machinery or tailors' pressing machinery, or parts designed specifically for any such machinery, to the extent that he is engaged in such manufacture, and shall include sales and distribution outlets controlled by a manufacturer.

(2) "Distributor" means any person in the business of distributing, selling, or dealing in restricted machinery to the extent that he is engaged in such sales, dealing or distribution, other than sales and distribution outlets controlled by a manufacturer.

(3) "Commercial laundry machinery," "commercial dry cleaning machinery," and "tailors' pressing machinery" include, but are not limited to, machinery of the kinds listed from time to time in List A attached to this order. New machinery of such kinds is machinery which has not been previously used or purchased for use. Secondhand machinery of such kinds is machinery which has been previously used or purchased for use, including rebuilt or reconditioned machinery.

(i) "Tailors' pressing machinery" shall include all pressing machinery of the types used by dry cleaning establishments, by custom tailors, or by pressing establishments, but shall not include any pressing machinery designed specifically for use either in the mass production of garments and other textiles, or in other industrial processes, which is not used by dry cleaning establishments, custom tailors, or pressing establishments.

(ii) "Commercial dry cleaning machinery" shall include all dry cleaning machinery of the types used in laundering or cleaning establishments of any kind, such as, but not limited to, rug cleaning establishments, fur cleaning establishments, ships' service departments, and army exchanges, but shall not include electric hand irons, electrically heated steam irons or electrically heated water spray irons of the types which are subject to the limitations of § 1130.1 (General Limitation Order L–65).

(iii) "Commercial laundry machinery" shall include all laundry machinery, except electric hand irons, electrically heated steam irons or electrically heated water spray irons of the types which are subject to the limitations of § 1130.1 (General Limitation Order L–65), domestic laundry equipment (i. e., washing machines and ironing machines for home use), and laundry equipment designed specifically for use either in the mass production of garments and other textiles, or in other industrial processes, which is not used by laundering establishments.

(4) "Restricted machinery" means

(i) Any new commercial laundry machinery, commercial dry cleaning machinery and tailors' pressing machinery, and

(ii) Any secondhand commercial laundry machinery, commercial dry cleaning machinery and tailors' pressing machinery having a value in excess of $100 at the time of sale, lease, delivery, or other transfer: *Provided,* That secondhand machinery which is in such condition at the time of transfer that it cannot be used efficiently for the purposes for which it was designed and which is transferred with the intention that the machinery will be rebuilt or reconditioned by or at the expense of either the transferer or transferee, or both, shall be restricted machinery if its value after such rebuilding or reconditioning will exceed $100.

(5) "Emergency repair loan" means the temporary leasing or lending of restricted machinery to replace similar machinery while the latter is being repaired.

(b) *Restrictions on delivery.* (1) Regardless of the terms of any contract of sale or purchase or other commitment, or of any preference rating certificate, no person shall sell, purchase, lease, deliver, receive delivery of, or otherwise transfer or acquire restricted machinery without authorization by the Director General for Operations on Form PD–418, except as provided in paragraphs (b) (2), (b) (3), (b) (4), (b) (5) and (b) (6) of this order.

(2) The restrictions of paragraph (b) (1) shall not apply if the sale, lease, delivery or other transfer of restricted machinery is to a person acquiring the machinery neither for use nor for export.

(3) The restrictions of paragraph (b) (1) shall not apply if the restricted machinery sold, leased, delivered or otherwise transferred is secondhand and the transfer is by someone other than a manufacturer or distributor to a person acquiring the secondhand restricted machinery for use at the place at which it was last previously used.

(4) The restrictions of paragraph (b) (1) shall not apply to the delivery of restricted machinery from one manufacturer or distributor to another manufacturer or distributor to fill an order or part of an order received by the latter if the filling of the order has been authorized on Form PD–418.

(5) The restrictions of paragraph (b) (1) shall not apply to an emergency repair loan pursuant to written or telegraphic authorization of the Director General for Operations, for a period not in excess of forty-five days, or to the return of any restricted machinery to its owner by the manufacturer or distributor to whom that owner delivered the machinery for repair, rebuilding or reconditioning.

(6) The restrictions of paragraph (b) (1) shall not apply to direct or indirect purchases by the Army of the United States (except purchase orders placed by or for delivery to army exchange services) or by the Navy of the United States (except purchase orders placed by or for delivery to ships' service departments) if the purchase order bears a certification by the person placing the purchase order that notice of intention to place such purchase order has been sent to the War Production Board by such person or by the armed service which ultimately will receive the equipment. For purposes of this paragraph and paragraph (d) (1) an indirect purchase by the Army or Navy is a purchase of restricted equipment by a prime contractor or a sub-contractor of the Army or Navy for ultimate delivery to the Army or Navy, provided that the equipment purchased is constructed in accordance with specifications established by the Army or Navy and the installation of the equipment is to be supervised by the Army or Navy.

(c) *Procedure for deliveries.* (1) All persons making application for an authorization under paragraph (b) (1) of this order shall make such application on Form PD–418. Applicants who secure authorization upon Form PD–418 shall surrender such Form PD–418 to their supplier before completing the transaction authorized. Such authorizations shall expire thirty days after the date of their issuance unless served in the interim upon the supplier named therein. Within five days after their expiration all expired authorization forms shall be returned for cancellation to the War Production Board.

(2) Persons seeking authorization to make emergency repair loans pursuant to paragraph (b) (5) shall apply in writing, either by letter or telegram, to the War Production Board, Washington, D. C.

(3) Any person who purchases, leases, receives delivery of, or otherwise acquires restricted machinery neither for use nor for export, or who acquires second-hand restricted machinery from a person other than a manufacturer or distributor for use at the place at which the machinery transferred was last previously used, shall certify on his purchase order or contract that such is the case. The person receiving such certification shall be entitled to rely on such representation unless he knows or has reason to believe it to be false.

(d) *Prohibition of production of new machinery.* No manufacturer shall fabricate or assemble any new commercial laundry or dry cleaning machinery, or any new tailors' pressing machinery, except as follows:

(1) To fill orders for machinery constructed in accordance with specifications of, and purchased directly or indirectly by, the Army of the United States (except army exchange services) or the Navy of the United States (except ships' service departments),

(2) To fill orders approved on Form PD–418 for, and in accordance with specifications of, the Army or Navy of any country, the government of which is entitled to the benefits of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act),

(3) To fill orders approved on Form PD–418 for the Maritime Commission or the War Shipping Administration,

(4) To fill orders approved on Form PD–418 for machinery to equip a vessel constructed by or for the Navy, Maritime Commission, War Shipping Administration or Office of Lend-Lease Administration, or to equip a cantonment or other Army or Navy base constructed for the use and operation of the Army or Navy of the United States,

(5) To fill orders approved on Form PD–418 for a bag loading or other ordnance plant where the hazard is such that commercial laundry or dry cleaning machinery or tailors' pressing machinery has been certified to be necessary by the Army or Navy, or

(6) To complete the assembly of commercial laundry or dry cleaning machinery or tailors' pressing machinery to fill other orders approved by the Director General for Operations on Form PD–418, if the only operation necessary to complete the machinery for delivery is the final assembly of completely fabricated parts.

(e) *Production Requirements Plan.* Unless otherwise authorized by the Director General for Operations, no commercial laundry or dry cleaning machinery, or tailors' pressing machinery, including maintenance or repair parts therefor, shall be manufactured except by a person who has filed an application under Priorities Regulation No. 11 (Production Requirements Plan) on a form of the PD–25 series for his material requirements for such manufacture for which he requires priority assistance.

(f) *Non-applicability to rebuilding, reconditioning, repair or maintenance of existing equipment.* The restrictions of paragraph (b) and paragraph (d) of this order shall not be construed to restrict the manufacture, acquisition, sale, or delivery, in any manner, of parts to be used to rebuild, recondition, repair or maintain existing machinery, or machinery delivered under the terms of this order. The above provision for parts for rebuilding, reconditioning, repair, or maintenance includes replacement parts to be used for such purposes.

(g) *Restrictions on use of materials.* (1) No monel metal, nickel, nickel silver, or nickel chrome steels shall be used in the production of new restricted machinery, except when specified by the Army (not including army exchange services), the Navy (not including ships' service departments) or the Maritime Commission, or the War Shipping Administration of the United States.

(2) No person shall use parts for rebuilding, reconditioning, or repairing commercial laundry machinery, commercial dry cleaning machinery or tailors' pressing machinery which parts have an aggregate weight in excess of forty percent of the weight of the machinery which is repaired, rebuilt, or reconditioned, except when necessary in order to meet specifications of the Army (except army exchanges), the Navy (except ships' service departments), the Maritime Commission, or the War Shipping Administration of the United States.

(3) Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to purchase, receive delivery of, or otherwise acquire any raw materials, semi-processed parts, or finished products in contravention of the terms of any order or regulation effective at the date of any such sale, delivery or other transfer.

(h) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time, with the exception of Priorities Regulation No. 17.

(i) *Appeals.* Any appeal from the provisions of this order shall be filed on Form PD–500 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may

be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Records.* Each person affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventory, production, and sales of commercial laundry and dry cleaning machinery and tailor's pressing machinery.

(l) *Reports.* (1) Each person affected by this order shall execute and file with the War Production Board such reports, information, and answers to questionnaires as the War Production Board shall from time to time request.

(2) On or before January 7, 1943, for the month of December 1942, and on or before the seventh day of each month thereafter, for the preceding month, each manufacturer or distributor of commercial laundry or dry cleaning machinery, or tailors' pressing machinery shall file a monthly report on Form PD-419.

(m) *Communications to War Production Board.* All reports and information required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Service Equipment Division, Washington, D. C.; Ref.: L-91.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

LIST A

Blocking machines, garment.
Boards, pressing.
Boards, pressing, velvet and nap.
Boards, shirt folding.
Boards, ironing.
Boards, spotting.
Boards, steam.
Cabinets, deodorizing.
Cabinets, drying.
Cabinets, sterilizing.
Collar shapers.
Collar tipper.
Conveyors "go back".
Conveyors, bags, (wet wash).
Conveyors, monorail.
Conveyors, shirt.
Cuff cleaners.
Dampeners, cloth.
Dampeners, collar and seam.
Dry cleaning units, naphtha.
Dry cleaning units, synthetic.
Dryers, garments, hot air.
Dryers, hosiery and sock.
Dryers, blanket and curtain, stretchers.
Dryers, rug.
Dryers, windwhip.
Dry rooms, conveyor.
Dry rooms, sectional.
Dye kettles.
Dye machines.
Extractors, laundry.
Extractors, drycleaning.
Extractor baskets (no-trux).
Extractor, starch.
Extractors, mechanical unloading.
Feather sanitizing machines.
Forms, gloves, steam heated.
Forms, collars.
Forms, hosiery and socks.
Forms, overall.
Forms, sleeve.
Forms, trouser.
Filters, solvent.
Finishers, garment.
Finishers, sleeve.
Fluffers, handkerchief.
Fluting machines.
Folding machines, automatic.
Fur cleaning equipment.
Glazer, fur.
Glove cleaning machines.
Hangers, shirt, revolving.
Hatters equipment.
Holders, bag.
Holders, net.
Identification systems:
  Pin and tag.
  Machine marking.
  Listing machines.
Irons, puff.
Irons, rotary.
Irons, steam.
Ironers, collar.
Ironers, flatwork.
Ironers, flatwork, chest type, steam.
Ironers, flatwork, cylinder type, steam.
Ironers, edger, electrical, gas, or steam.
Ironers, flatwork, cylinder, gas, electric.
Ironers, flatwork, chest, gas, electric.
Ironers, handkerchiefs.
Ironers, hat crown.
Ironers, ruffles.
Ironer attachments:
  Canopies.
  Cooling device.
  Feeding devices.
  Stripping device.
  String mark eliminator.
Napping machine (carding machine) (blanket finishing).
Puffers, steam.
Presses, pneumatic.
Presses, foot power.
Presses, hand power.
Presses, electric driven.
Rug scrubbing machines.
Sand bags, hat.
Seam cleaners.
Shakers, flatwork.
Shapers, sleeves.
Shapers, trouser.
Shirt envelope machines.
Spreaders, flatwork.
Stackers, flatwork, automatic.
Stackers, handkerchief, automatic.
Starch cookers.
Starching and extracting machines.
Starching machines.
Starch mixers.
Steam sterilizers, diapers.
Steamers, garment.
Steamers, velvet.
Sterilizers, feathers.
Sterilizers, general.
Stills, vacuum.
Stretchers, trouser.
Stretchers, dress.
Tables, collar finishing.
Tables, folding.
Tables, garment blocking.
Tables, ironing.
Tables, marking.
Tables, shaping.
Tables, shirt finishing and folding.
Tables, spotting.
Tables, steam.
Tables, wet cleaning.
Tanks, soap.
Traps, drycleaning.
Tubs, scrub.
Tubs, starch.
Tubs, stationary laundry.
Tumblers, drying.
Tumblers, shake-out and conditioning.
Tumblers, drying, deodorizing.
Washers, automatic.
Washers, blanket.
Washers, drycleaning.
Washers, glove.
Washers, metal type.
Washers, metal cylinder type.
Washers, rug.
Washers, sterilizing.
Washers, unloading.
Washers, wood type.
Washers, wood cylinder type.
Washers, wood shell type.

[F. R. Doc. 42-13323; Filed, December 14, 1942; 11:36 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Interpretation 2 of General Limitation Order L-123, as Amended]

The following official interpretation is hereby issued by the Director General for Operations with respect to General Limitation Order L-123 (§ 1226.1) as amended November 24, 1942:

Paragraph (a) (2) defines "general industrial equipment" to mean new equipment of the kinds listed, from time to time, in List A to the order. Such equipment is deemed to be new when it has not been delivered to any person acquiring it for use. Paragraph (b) imposes restrictions on the acceptance of orders for, and commencement of production and deliveries of, general industrial equipment.

Paragraph (c) provides an exemption from the restrictions of paragraph (b) for any order or delivery of maintenance and repair parts in an amount not exceeding $1,000 for any single piece of general industrial equipment to be repaired or maintained; or in any amount for the repair of general industrial equipment when there is an actual breakdown or suspension of operations of such piece of equipment. The exemption provided in paragraph (c) is intended for such repair or maintenance parts to be used to repair or maintain any existing equipment, i. e., equipment which has been delivered for use to a user and requires repair or maintenance. The exemption is not intended to apply to spare parts for new equipment nor is it limited to the repair or maintenance of equipment delivered after the date of the order.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13324; Filed, December 14, 1942; 11:35 a. m.]

PART 1276—PLYWOOD

[Amendment 2 to L-150, as Amended October 8, 1942]

Part 1276, Douglas Fir Plywood (Moisture-Resistant Type), is hereby amended to read:

Part 1276—Plywood.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of December 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-13325; Filed, December 14, 1942; 11:35 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Amendment 1 to Supplementary Order 10[1]]

JUDICIAL SALES

A statement of the reasons involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Sections 1305.14 (b) (1) (iii) and 1305.14 (b) (1) (iv) are revoked and new §§ 1305.14 (b) (1) (iii), 1305.14 (b) (1) (iv) and 1305.14 (f) are added to read as set forth below:

§ 1305.14 * * *

(b) * * *

(1) * * *

(iii) Any second-hand farm equipment sold at a price of $100.00 or more. For the purpose of this subdivision (iii), "farm equipment" shall be defined as provided in Maximum Price Regulation No. 133, or any amendment thereto.

(iv) Any second-hand machine or part sold at a price of $100.00 or more. For the purpose of this subdivision (iv), "machine or part" shall be defined as provided in Maximum Price Regulation No. 136, or any amendment thereto.

* * * * *

(f) *Effective dates of amendments.* (1) Amendment No. 1 (§§ 1304.14 (b) (1) (iii), 1304.14 (b) (1) (iv) and 1305.14 (f)) to Supplementary Order No. 10 shall become effective December 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871).

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13224; Filed, December 11, 1942; 2:35 p. m.]

PART 1305—ADMINISTRATION

[Correction to Supplementary Order 26[2]]

STANDARD PROVISION FOR PETITIONS FOR AMENDMENT

Paragraph (a) of § 1305.31 is corrected by changing the section number which appeared opposite "Maximum Price Regulation 134" from "§ 1399.7" to "§ 1399.11 (a)".

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13225; Filed, December 11, 1942; 2:35 p. m.]

PART 1337—RAYON

[MPR 167,[3] Amendment 3]

RAYON YARN AND STAPLE FIBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1337.42, subparagraph (2) of paragraph (a) is amended and a new subparagraph (3b) is added to paragraph (b) as set forth below:

§ 1337.42 *Appendix A: Maximum prices for rayon yarn and staple fiber.* (a) *Introductory* * * *

(2) The maximum prices established by this Maximum Price Regulation No. 167 shall not apply to the following sales: (i) high tenacity rayon yarns except those for which maximum prices are established in paragraph (b) (3) (3b) below, or (ii) rayon yarns with special put-up, or (iii) rayon yarn or staple fiber produced according to customers' specifications for special uses, or (iv) rayon yarns or staple fiber having other special characteristics not available in rayon yarns or staple fiber of standard types.

* * * * *

(b) *Maximum prices for rayon yarn and staple fiber sold by producers.* * * *

(3b) *1100 denier and 2200 denier viscose process high tenacity continuous filament yarns.* The prices set forth below are maximum prices for sales of 1100 denier and 2200 denier viscose process high tenacity continuous filament yarns:

Denier:	*Prices per pound on cones and beams*
1100	.43
2200	.3675

§ 1337.41a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1337.42 (a) (2) and (b) (3) (3b) to Maximum Price Regulation No. 167 shall become effective December 11, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13226; Filed, December 11, 1942; 2:33 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Eviction Regulation 1, Revocation]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES IN A PORTION OF THE NEBRASKA DEFENSE-RENTAL AREA

Eviction Regulation No. 1 (§§ 1388.531 to 1388.535 inclusive) [7 F.R. 9133] for housing accommodations other than hotels and rooming houses in that portion of the Nebraska Defense-Rental Area consisting of the Counties of Adams and Clay, is hereby revoked.

This Revocation of Eviction Regulation No. 1 for housing accommodations other than hotels and rooming houses shall become effective December 12, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13227; Filed, December 11, 1942; 2:36 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 60]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

By a designation and rent declaration issued by the Administrator on October 5, 1942, the Administrator designated as defense-rental areas certain localities including the Nebraska Defense-Rental Area, consisting of that portion of the State of Nebraska not theretofore designated by the Administrator as part of any defense-rental area. Since the issuance of the said designation and rent declaration, the number of removals of tenants from possession, by means of evictions, actions to evict, and notices to quit or vacate sharply increased in that portion of the Nebraska Defense-Rental Area consisting of the Counties of Adams and Clay. The purpose and effect of such removals of tenants from possession was to increase the rents of the housing accommodations involved.

In the judgment of the Administrator, such increased removals of tenants from possession constituted speculative or manipulative practices or renting or leasing practices which were equivalent to or likely to result in rent increases inconsistent with the purposes of the Emergency Price Control Act of 1942. Accordingly, the Administrator under the authority vested in him by the Act, issued Eviction Regulation No. 1, effective November 6, 1942, in the said portion of the Nebraska Defense-Rental Area.

In the judgment of the Administrator, rents for housing accommodations within the said portion of the Nebraska Defense-Rental Area have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designation and rent declaration issued October 5, 1942.

The Administrator is accordingly issuing this Maximum Rent Regulation No. 60 for housing accommodations in the said portion of the Nebraska Defense-Rental Area. This Maximum Rent Regulation No. 60 includes provisions with respect to the removal of tenants from possession. These provisions take the place of similar provisions in the said Eviction Regulation No. 1. The Administrator is therefore revoking the said Eviction Regulation No. 1.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the said portion of the Nebraska Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the said portion of the Nebraska Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5481.

[2] 7 F.R. 8948.

[3] 7 F.R. 4662, 6895, 7403 and 8948.

In the judgment of the Administrator, the maximum rents established by this maximum rent regulation for housing accommodations within the said portion of the Nebraska Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 60 is hereby issued.

AUTHORITY: §§ 1388.781 to 1388.794, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.781 *Scope of regulation.* (a) This Maximum Rent Regulation No. 60 applies to all housing accommodations within that portion of the Nebraska Defense-Rental Area consisting of the Counties of Adams and Clay (referred to hereinafter in this maximum rent regulation as the "defense-rental area"), as designated in the designation and rent declaration (§§ 1388.1341 to 1388.1345, inclusive) issued by the Administrator on October 5, 1942, except as provided in paragraph (b) of this section.

(b) This maximum rent regulation does not apply to the following:

(1) Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part;

(3) Rooms or other housing accommodations within hotels or rooming houses, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the maximum rent regulation for hotels and rooming houses pursuant to the provisions of that regulation: *Provided,* That this maximum rent regulation does apply to entire structures or premises though used as hotels or rooming houses.

(4) Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however,* That this maximum rent regulation does apply to a sublease or other subrenting of such accommodations or any part thereof.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this maximum rent regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this maximum rent regulation is void. A tenant shall not be entitled by reason of this maximum rent regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this maximum rent regulation.

§ 1388.782 *Prohibition against higher than maximum rents.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 60 of any housing accommodations within the defense-rental area higher than the maximum rents provided by this maximum rent regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this maximum rent regulation may be demanded or received.

(b) Notwithstanding any other provision of this maximum rent regulation, where housing accommodations are heated with fuel oil the landlord of such accommodations may as hereinafter provided enter into an agreement with the tenant providing for payment by the tenant of part or all of the cost of changing the heating unit to use some fuel other than oil or of installing a new heating unit using some fuel other than oil. Prior to making such agreement the landlord shall in writing report the terms of the proposed agreement to the Area Rent Office. The landlord may enter into the agreement either upon its approval by the Administrator or, unless the Administrator has disapproved the proposed agreement within 5 days after the filing of such report, upon the expiration of such 5-day period.

(c) Where a lease of housing accommodations was entered into prior to the effective date of this maximum rent regulation and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of this maximum rent regulation, may be authorized to receive payments made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations. Such authority may be secured only by a written request of the tenant to the Area Rent Office and shall be granted by order of the Administrator if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the Act or this maximum rent regulation and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain payments provided by the lease in excess of the maximum rent for periods commencing on or after the effective date of this maximum rent regulation. After entry of such order, the provisions of the lease may be enforced in accordance with law, notwithstanding any other provision of this maximum rent regulation: *Provided, however,* That if at the termination of the lease the tenant shall not exercise the option to buy, the landlord may thereafter remove or evict the tenant only in accordance with the provisions of § 1388.786 of this maximum rent regulation. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive payments in excess of the maximum rent in the absence of an order of the Administrator as herein provided. Where a lease of housing accommodations has been entered into on or after the effective date of this maximum rent regulation, and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payments on or for the option to buy.

§ 1388.783 *Minimum services, furniture, furnishings and equipment.* Except as set forth in § 1388.785 (b), every landlord shall, as a minimum, provide with housing accommodations the same essential services, furniture, furnishings and equipment as those provided on the date determining the maximum rent, and as to other services, furniture, furnishings and equipment not substantially less than those provided on such date: *Provided, however,* That where fuel oil is used to supply heat or hot water for housing accommodations, and the landlord provided heat or hot water on the date determining the maximum rent, the heat and hot water which the landlord is required to supply shall not be in excess of the amount which he can supply under any statute, regulation or order of the United States or any agency thereof which rations or limits the use of fuel oil.

§ 1388.784 *Maximum rents.* Maximum rents (unless and until changed by the Administrator as provided in § 1388.785) shall be:

(a) For housing accommodations rented on March 1, 1942, the rent for such accommodations on that date.

(b) For housing accommodations not rented on March 1, 1942, but rented at any time during the two months ending on that date, the last rent for such accommodations during that two-month period.

(c) For housing accommodations not rented on March 1, 1942 nor during the two months ending on that date, but rented prior to the effective date of this Maximum Rent Regulation No. 60, the first rent for such accommodations after March 1, 1942. The Administrator may order a decrease in the maximum rent as provided in § 1388.785 (c).

(d) For (1) newly constructed housing accommodations without priority rating first rented after March 1, 1942 and before the effective date of this maximum rent regulation, or (2) housing accommodations changed between those dates so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations changed between those dates from unfurnished to fully furnished, or from fully furnished to unfurnished, or (4) housing accommodations substantially changed between

those dates by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, the first rent for such accommodations after such construction or change: *Provided, however,* That where such first rent was fixed by a lease which was in force at the time of a major capital improvement, the maximum rent shall be the first rent after termination of such lease. The Administrator may order a decrease in the maximum rent as provided in § 1388.785 (c).

(e) For (1) newly constructed housing accommodations without priority rating first rented on or after the effective date of this maximum rent regulation, or (2) housing accommodations changed on or after such effective date so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations not rented at any time between January 1, 1942 and such effective date, the first rent for such accommodations after the change or the effective date, as the case may be. Within 30 days after so renting the landlord shall register the accommodations as provided in § 1388.787. The Administrator may order a decrease in the maximum rent as provided in § 1388.785 (c).

(f) For housing accommodations constructed with priority rating from the United States or any agency thereof for which the rent has been heretofore or is hereafter approved by the United States or any agency thereof, the rent so approved, but in no event more than the rent on March 1, 1942, or, if the accommodations were not rented on that date, more than the first rent after that date.

(g) For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942, as determined by the owner of such accommodations: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.785 (c).

(h) For housing accommodations rented to either Army or Navy personnel, including civilian employes of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this maximum rent regulation by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this maximum rent regulation.

§ 1388.785 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services or a deterioration, the adjustment in the maximum rent shall be the amount the Administrator finds would have been on March 1, 1942, the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change. In all other cases, except those under paragraphs (a) (7) and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942. In cases under paragraphs (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been on or after the effective date of this Maximum Rent Regulation No. 60 a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to March 1, 1942, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent on March 1, 1942 was fixed by a lease or other rental agreement which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent. No increase in the maximum rent shall be ordered on the ground set forth in this paragraph (a) (3) unless the increase in services, furniture, furnishings or equipment occurred with the consent of the tenant or while the accommodations were vacant: *Provided,* That an adjustment may be ordered, although the tenant refuses to consent to the increase in services, furniture, furnishings or equipment, if the Administrator finds that such increase (i) is reasonably required for the operation of a multiple dwelling structure or other structure of which the accommodations are a part or (ii) is necessary for the preservation or maintenance of the accommodations.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(5) There was in force on March 1, 1942, a written lease, for a term commencing on or prior to March 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942; or the housing accommodations were not rented on March 1, 1942, but were rented during the two months ending on that date and the last rent for such accommodations during that two-month period was fixed by a written lease, for a term commencing on or prior to March 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942.

(6) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) (1) If, on the effective date of this maximum rent regulation, the services provided for housing accommodations are less than the minimum services required by § 1388.783, the landlord shall either restore and maintain such minimum services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. If, on such effective date, the furniture, furnishings or equipment provided with housing accommodations are less than the minimum required by § 1388.783, the landlord shall, within 30 days after such date, file a written report showing the decrease in furniture, furnishings or equipment.

(2) Except as above provided, the landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings and equipment unless and until he has filed a petition to decrease the services, furniture, furnishings or equipment and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, furniture, furnishings or equipment he shall file a petition within 10 days after the change occurs. When the accommodations become vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent; and any maximum rent for which a re-

port is required by this paragraph may be decreased in accordance with the provisions of § 1388.785 (c) (3). If the landlord fails to file the petition or report required by this paragraph within the time specified, or decreases the services, furniture, furnishings or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or the effective date of this maximum rent regulation, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings or equipment. In such case, any order decreasing the maximum rent shall be effective to decrease such rent from the beginning of the first rental period after the decrease in services, furniture, furnishings or equipment or after the effective date of this maximum rent regulation, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for housing accommodations under paragraph (c), (d), (e), or (g), of § 1388.784 is higher than the rent generally prevailing in the defense rental area for comparable housing accommodations on March 1, 1942.

(2) There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a decrease in the minimum services, furniture, furnishings or equipment required by § 1388.783 since the date or order determining the maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942.

(5) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially lower rent at other periods during the term of such lease or agreement.

(6) The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this maximum rent regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942.

(e) Where, at the expiration or other termination of an underlying lease or other rental agreement, housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the landlord may rent the entire premises for use by similar occupancy for a rent not in excess of the aggregate maximum rents of the separate dwelling units, or may rent the separate dwelling units for rents not in excess of the maximum rents applicable to such units.

Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the administrator for leave to exercise any right he would have except for this maximum rent regulation to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this maximum rent regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, the Administrator may enter an interim order increasing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order upon such petition. The receipt by the landlord of any increased rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment of cash or, where the tenant remains in occupancy after the effective date of the final order, by reduction from the next installment of rent or both.

(g) No adjustment in the maximum rent shall be ordered on the ground that the landlord, since the date or order determining the maximum rent, has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are the subject of the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date, as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Administrator may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the rents which the Administrator finds were generally prevailing in the defense-rental area for comparable housing accommodations not subject to an option to buy on March 1, 1942.

§ 1388.786 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and regardless of any contract, lease, agreement or obligation heretofore or hereafter entered into which provides for entry of judgment upon the tenant's confession for breach of the covenants thereof or which otherwise provides contrary hereto, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this maximum rent regulation, or

(2) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspecting or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons

who occupied under a rental agreement with the tenant; or

(5) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) The landlord owned, or acquired an enforceable right to buy or the right to possession of, the housing accommodations prior to November 6, 1942, and seeks in good faith to recover possession of such accommodations for immediate use and occupancy as a dwelling for himself. If a tenant has been removed or evicted under this paragaraph (a) (6) from housing accommodations, the landlord shall file a written report on a form provided therefor before renting the accommodations or any part thereof during a period of six months after such removal or eviction.

(b) (1) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation No. 60 and would not be likely to result in the circumvention or evasion thereof.

(2) Removal or eviction of a tenant for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after November 6, 1942, is inconsistent with the purposes of the Act and this maximum rent regulation and would be likely to result in the circumvention or evasion thereof, unless (i) the payment or payments of principal made by the purchaser, excluding any payments made from funds borrowed for the purpose of making such principal payments, aggregate 33⅓% or more of the purchase price, and (ii) a period of three months has elapsed after the issuance of a certificate by the Administrator as hereinafter provided. For the purposes of this paragraph (b) (2), the payments of principal may be made by the purchaser conditionally or in escrow to the end that they shall be returned to the purchaser in the event the Administrator denies a petition for a certificate. If the Administrator finds that the required payments of principal have been made, he shall, on petition of either the vendor or purchaser, issue a certificate authorizing the purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law at the expiration of three months after the date of issuance of such certificate. In no other case shall the Administrator issue a certificate for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after November 6, 1942, unless he finds that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without removal or eviction of the tenant, or unless he finds that other special hardship would result; under such circumstances the payment by the purchaser of 33⅓% of the purchase price shall not be a condition to the issuance of a certificate, and the certificate shall authorize the vendor or purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law.

(c) The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(d) (1) Every notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant. A written copy of such notice shall be given to the Area Rent Office within 24 hours after the notice is given to the tenant.

No tenant shall be removed or evicted from housing accommodations, by court process or otherwise, unless, at least ten days prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the area rent office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession.

When the ground for removal or eviction of a tenant is non-payment of rent, every notice under this paragraph (d) (1) shall state the rent for the housing accommodations, the amount of rent due and the rental period or periods for which such rent is due. The provisions of this paragraph (d) (1) shall not apply where a certificate has been issued by the Administrator pursuant to the provisions of paragraph (b) of this section.

(2) At the time of commencing any action to remove or evict a tenant, including an action based upon non-payment of rent, the landlord shall give written notice thereof to the area rent office stating the title of the case, the number of the case where that is possible, the court in which it is filed, the name and address of the tenant, and the ground under this section on which removal or eviction is sought.

(e) No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.787 *Registration.* Within 45 days after the effective date of this Maximum Rent Regulation No. 60, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement. The statement shall identify each dwelling unit and specify the maximum rent provided by this maximum rent regulation for such dwelling unit and shall contain such other information as the Administrator shall require. The original shall remain on file with the Administrator and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement, and shall obtain the tenant's signature and the date thereof, on the back of such statement. Within five days after renting to a new tenant, the landlord shall file a notice on the form provided therefor, on which he shall obtain the tenant's signature, stating that there has been a change in tenancy, that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such accommodations is in conformity therewith.

No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

When the maximum rent is changed by order of the Administrator, the landlord shall deliver his stamped copy of the registration statement to the area rent office for appropriate action reflecting such change.

The foregoing provisions of this section shall not apply to housing accommodations under § 1388.784 (g). The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the defense-rental area and containing such other information as the Administrator shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

§ 1388.788 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

§ 1388.789 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 60 shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges or by modification of the services furnished with housing accommodations, or otherwise.

§ 1388.790 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 60 are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.791 *Procedure.* All registration statements, reports and notices provided for by this maximum rent regulation shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.792 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 60 may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.793 *Definitions.* (a) When used in this Maximum Rent Regulation No. 60:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The term "area rent office" means the office of the Rent Director in the defense-rental area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this maximum rent regulation.

§ 1388.794 *Effective date of the regulation.* This Maximum Rent Regulation No. 60 (§§ 1388.781 to 1388.794, inclusive) shall become effective December 12, 1942.

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13228; Filed, December 11, 1942; 2:36 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Third Revised Zoning Order 1 Under Rationing Order No. 3 [1]]

SUGAR RATIONING REGULATIONS—ORDER ESTABLISHING ZONES

Pursuant to § 1407.168, the following order is hereby issued:

Section 1407.281 (Second Revised Zoning Order 1, as amended) is amended as set forth below:

§ 1407.281 *Establishment of zones; authorization of certain deliveries, shipments and transfers.* (a) The following zones are hereby established:

Zone 1 shall include the States of Maine, New Hampshire and Rhode Island; Barnstable, Bristol, Dukes, Essex, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester Counties in the State of Massachusetts.

Zone 1-A shall include the State of Vermont and that part of the State of Massachusetts not included in Zone 1.

Zone 2 shall include the State of Connecticut; Albany, Bronx, Cayuga, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Jefferson, Kings, Lewis, Madison, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Oswego, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tompkins, Ulster, Warren, Washington, and Westchester Counties in the State of New York; Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Sussex and Union Counties in the State of New Jersey.

Zone 3 shall include New Castle County in the State of Delaware; that part of the State of New Jersey not included in Zone 2; Broome, Chemung and Tioga Counties in the State of New York; and Berks, Bradford, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Pike, Schuylkill, Sullivan, Susquehanna, Wayne, and Wyoming Counties in the State of Pennsylvania.

Zone 4 shall include the State of Maryland; the District of Columbia; Adams, Bedford, Blair, Cambria, Cumberland, Franklin, Fulton, Huntingdon, Juniata, Mifflin, Perry, Snyder, Somerset, Union and York Counties in the State of Pennsylvania; Kent and Sussex Counties in the State of Delaware; Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral and Morgan Counties in the State of West Virginia; and Accomac, Arlington, Clarke, Culpeper, Fairfax, Fauquier, Frederick, Loudoun, Madison, Northampton, Page, Prince William, Rappahannock, Shenandoah, Stafford, and Warren Counties and the independent cities of Alexandria and Winchester in the State of Virginia.

Zone 5 shall include that part of the State of Virginia not included in Zone 4; the State of West Virginia except those parts located in Zones 4 and 11; and all points in the State of North Carolina where the base rate is based on shipments from Baltimore, Maryland.

Zone 6 shall include the States of South Carolina, Georgia and North Carolina except all points in the State of North Carolina included in Zone 5.

Zone 7 shall include that part of the State of Florida which lies east of the Apalachicola River.

Zone 8 shall include the States of Arkansas, Alabama, Kentucky, Louisiana, Mississippi and Tennessee; that part of the State of Florida which lies west of the Apalachicola River; Dunklin, Mississippi, New Madrid, Pemiscot and Scott Counties in the State of Missouri; Alexander, Gallatin, Hardin, Massac, Pope, Pulaski, and White Counties in the State of Illinois; Clark, Crawford, Dearborn, Floyd, Harrison, Jefferson, Ohio, Perry, Posey, Spencer, Switzerland, Vanderburgh and Warrick Counties in the State of Indiana; and Adams, Brown, Clermont, Hamilton, Lawrence and Scioto Counties in the State of Ohio.

[1] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402, 8655, 8739, 8809, 8710, 8830, 8831, 9042, 9396, 9460.

Zone 9 shall include all points in the State of Texas where the base rate is 35 cents or less.

Zone 10 shall include the lower peninsula of the State of Michigan.

Zone 11 shall include that part of the State of New York not included in Zones 2 and 3; that part of the State of Pennsylvania not included in Zones 3 and 4; Braxton, Hancock, Marshall, and Ohio Counties in the State of West Virginia; that part of the State of Ohio not included in Zone 8; and all points in the State oif Indiana not included in Zone 8 where the base rate is based on shipments from Baltimore, Maryland.

Zone 12 shall include all of the continental United States not included in Zones 1 to 11 inclusive.

(b) "Base rate" as used herein, refers to the lowest published refiner's base rate in effect on the date of issuance of this Third Revised Zoning Order 1.

(c) Sugar may be delivered, shipped or transferred from Zone 12 to any point in Zones 9 or 11, and from Zones 1 or 2 to any point in Zone 1–A.

(d) Confectioner's sugar in bulk may be delivered, shipped or transferred from Zone 4 to any point in Zone 5 and from Zone 6 to any point in Zone 7.

(e) Any carrier who has, prior to the effective date of this Third Revised Zoning Order 1, accepted sugar for a delivery, shipment or transfer not at that time prohibited by §§ 1407.168 and 1407.281 may complete such delivery, shipment or transfer after the effective date of this Third Revised Zoning Order 1.

(f) This Third Revised Zoning Order 1 (§ 1407.281) shall become effective December 11, 1942.

(Pub. Law 421, 77th Cong.; W.P.B. Dir. No. 1; and Supp. Dir. No. 1E, § 1407.168 of Rationing Order No. 3)

Issued this 11th day of December, 1942.

HAROLD B. ROWE,
Director, Food Rationing Division.

[F. R. Doc. 42–13230; Filed, December 11, 1942; 2:33 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 174 Under § 1499.3 (b) of GMPR]

IRVINGTON VARNISH & INSULATOR COMPANY

On November 19, 1942, Irvington Varnish & Insulator Co., of Irvington, New Jersey, filed application with the Office of Price Administration seeking specific authorization pursuant to § 1499.3 (b) of the General Maximum Price Regulation to determine maximum prices and for instructions as to the method to be used in determining such prices for three newly developed varnished combinations of fish paper and textile materials to be used for slot insulation. These combinations are: Varnished S. I. C. cloth and fish paper; Varnished H. T. R. rayon and fish paper and Varnished fiberglas and fish paper. Due consideration has been given to the application and an Opinion in support of this Order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the Opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with § 1499.3 (b) of the General Maximum Price Regulation, issued by the Office of Price Administration, *It is hereby ordered:*

§ 1499.1190 *Authorization for Irvington Varnish & Insulator Company to determine maximum prices for Varnished S. I. C. cloth and fish paper; Varnished H. T. R. rayon and fish paper and Varnished fiberglas and fish paper.* (a) The maximum prices which may be charged for the Varnished S. I. C. cloth and fish paper; Varnished H. T. R. rayon and fish paper and Varnished fiberglas and fish paper made by Irvington Varnish & Insulator Company, hereinafter called the "manufacturer," and on which the manufacturer has made application to the Office of Price Administration for authorization to determine maximum prices, shall be determined in accordance with the following instructions:

(1) The cost of raw materials should be computed at the cost of acquisition, which in no event shall exceed the maximum price established by the Office of Price Administration for such raw materials.

(2) All charges for hand or machine operations involved in the manufacture, collation, or other assembly of the products shall be computed at a rate not to exceed the hourly rate at which such hand or machine operations were computed during the month of March 1942, and the time allowance, or the resulting piece rates, for the operations shall not be in excess of those estimated or used during the month of March 1942.

(3) The percentage margin, or difference between total manufacturing costs and selling price, f. o. b. manufacturer's plant, shall not exceed that percentage margin used in determining a selling price for that item, sold by the manufacturer during March 1942 which most closely resembles the Varnished S. I. C. cloth and fish paper in the case of this product; the Varnished H. T. R. rayon and fish paper in the case of this product and the Varnished fiberglas and fish paper in the case of this product in manufacturing cost, quantities of raw materials per unit, converting operations required and quantity of production.

(i) The manufacturer shall continue to grant its customary discounts, differentials and allowances to the different classes of purchasers in accordance with its accepted practice.

(ii) If the manufacturer's customary practice during March 1942 was to sell on a delivered price basis, such practice shall be continued.

(b) Within ten days after maximum prices have been determined in accordance with this Order, Irvington Varnish & Insulator Co. shall report to the Office of Price Administration, Washington, D. C., the maximum prices as computed by it. The report shall set forth in detail the computation of direct costs and of the maximum prices.

(c) Any selling prices determined under this Order shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 174 may be revoked or amended by the Office of Price Administration at any time.

(e) This Order No. 174 (§ 1499.1190) shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13236; Filed, December 11, 1942; 2:33 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 39 to GMPR[1]]

TAX INCREASE OF MARCH 31, 1942

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1499.7 (b) is amended to read as set forth below:

§ 1499.7 *Federal and state taxes.* * * *

(b) *As to a tax or increase in a tax which becomes effective after March 31, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased: *Provided, however,* That the tax on the transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated as a tax for which a charge may be made in addition to the maximum price.

* * * * *

§ 1499.23a *Effective date of amendment.* * * *

(nn) Amendment No. 39 (§ 1499.7 (b)) to the General Maximum Price Regulation shall become effective December 17, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13231; Filed, December 11, 1942; 2:35 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4239, 4287, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616, 9732, 10155.

PART 1499—COMMODITIES AND SERVICES

[Order 4 of Supp. Reg. 15 of GMPR]

CHARLES T. ORR

Order No. 4 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 of the General Maximum Price Regulation—Docket No. GF3–1464.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1304 *Adjustment of maximum prices for contract carrier services sold by Charles T. Orr.* (a) Charles T. Orr, P. O. Box 948, Joplin, Missouri, may sell and deliver contract carrier services in connection with the loading and hauling of ore and ore concentrates at prices not more than 55 cents per ton as of August 1, 1942.

(b) Maximum prices permitted by this order may be charged as of August 1, 1942.

(c) All requests of the application not granted herein are denied.

(d) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 4 (§ 1499.1304) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 4 (§ 1499.1304) shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13237; Filed, December 11, 1942; 2:40 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 5 Under Supp. Reg. 15 of GMPR]

MORGAN AND LINSON COLD STORAGE CO., INC.

Order No. 5 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 of the General Maximum Price Regulation—Docket No. GF3–1705.

For the reasons set forth in an opinion issued simultaneously herewith, *it is ordered:*

§ 1499.1305 *Adjustment of maximum prices for warehouse services sold by Morgan and Linson Cold Storage Company, Inc.* (a) Morgan and Linson Cold Storage Company, Inc. of Albion, New York, may sell and supply, and any person may buy and receive from Morgan and Linson Cold Storage Company, Inc., the following services at charges not higher than those set forth below:

(1) Handling and cold storage of carrots and onions in bushel baskets, boxes or crates, 20¢ per season, for the season commencing with the receipt of the commodity in the fall and ending on the following March 31st.

(2) Handling and dry or common storage of onions in bushel baskets, boxes or crates, 14¢ per season as defined in subparagraph (1) above.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 5 (§ 1499.1305) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 5 (§ 1499.1305) shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13238; Filed, December 11, 1942; 2:37 p. m.]

PART 1499—COMMODITIES AND SERVICE

[Amendment 2 to Order 95[1] Under § 1499.3 (b) of GMPR]

BEMIS BROS. BAG CO.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

In § 1499.959, paragraph (a) is amended by adding thereto the item set forth below, and a new paragraph (f) is added as set forth below:

§ 1499.959 *Maximum prices for the sale of cotton smelter tubes by Bemis Bros. Bag Co.* (a) * * *

For cotton smelter tubes of lengths other than 10 yards, the maximum price shall be the maximum price set forth above, increased or decreased by the difference in cost of the material used, which cost shall be determined from prevailing maximum prices.

* * * * *

(f) Amendment No. 2 (§1499.959 (a) and (f)) to Order No. 95 shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13233; Filed, December 11, 1942; 2:39 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 172 Under § 1499.3 (b) of GMPR]

I. F. LAUCKS, INC.

For reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

§ 1499.1188 *Approval of maximum prices for sales of Resin Emulsion Sealer and Lauxtol AF.* (a) The maximum prices per gallon for sales by any person of Resin Emulsion Sealer, manufactured by I. F. Laucks Incorporated, Seattle, Washington, shall be the following:

[1] 7 F.R. 8353, 9201.

	50 gallon drums	5 gallon pails	1 gallon cans
Sales to distributors	$1.75	$1.87	$1.97
Sales to jobbers	1.98	2.12	2.23
Sales to dealers	2.33	2.49	2.63
Sales to contractors	2.80	2.99	3.15
Sales to consumers			
Sales to other than contractors	3.50	3.74	3.94

(b) The maximum prices per gallon for sales by any person of Lauxtol AF, manufactured by I. F. Laucks Incorporated, Seattle, Washington, shall be the following:

	Tank cars	50 gallon drums	5 gallon pails
Sales to distributors	$0.34	$0.40	$0.47
Sales to jobbers	.34	.45	.53
Sales to dealers	.34	.53	.63
Sales to contractors	.34	.64	.75
Sales to consumers			
Sales to other than contractors	.34	.80	.94

(c) All discounts, trade practices, and practices relating to the payment of shipping charges in effect during March 1942 upon sales of the most nearly comparable product by each seller shall apply to the maximum prices set forth in paragraphs (a) and (b).

(d) I. F. Laucks, Incorporated, shall mark upon each 5 gallon or smaller container of Resin Emulsion Sealer or Lauxtol AF sold by it on or after February 1, 1943, a statement of the applicable maximum price established by this Order No. 172 for sales thereof to consumers other than contractors. Such statement shall be in the following form: "Retail Ceiling Price $_____," and shall be printed or stamped in letters that are sufficiently large and bold and are of such color that the statement is clearly legible.

(e) On and after December 12, 1942, any person selling Resin Emulsion Sealer or Lauxtol AF shall accompany the first delivery thereof to such purchaser with a copy of this Order No. 172.

(f) This Order No. 172 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 172 (§ 1499.1188) shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13235; Filed, December 11, 1942; 2:39 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 129 Under § 1499.18 (b) of GMPR]

M'CONNON AND COMPANY

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1030 *Approval of maximum prices for sale of three quarters of one*

percent rotenone dust by McConnon and Company. (a) The maximum prices at which McConnon and Company, Winona, Minnesota, may sell its three quarters of one percent rotenone dust described in the application for approval of maximum prices under § 1499.18 (b) and (c) of the General Maximum Price Regulation heretofore filed by that company with the Office of Price Administration and assigned Docket No. GF3-2088, and at which any person may buy such product from that company is as follows:

	Each
1-pound bag	$ .15
5-pound bag	.49
25-pound bag	2.40
100-pound bag	8.87

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 129 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 129 (§ 1499.1030) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of the maximum prices established by § 1499.2.

(e) This Order No. 129 (§ 1499.1030) shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13234; Filed, December 11, 1942; 2:39 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 8 Under § 1499.29 of GMPR]

THE CUDAHY PACKING COMPANY

Order No. 8 under § 1499.29 of the General Maximum Price Regulation.—Docket No. GF3-2449.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.408 *Denial of application for adjustment of maximum prices of "second cut" or "back end" sheep intestines sold by The Cudahy Packing Company of Chicago, Illinois, for use in the manufacture of surgical sutures.* (a) The appliion of The Cudahy Packing Company of Chicago, Illinois, filed October 20, 1942, and assigned Docket Number GF3-2448 requesting an adjustment of the maximum price on uncleaned "second cut" or "back end" sheep intestines sold for use in the manufacture of surgical sutures is hereby denied.

(b) Any payment made to Cudahy Packing Company of Chicago, Illinois, in excess of 10 cents for 9 yards of "second cut" or "back end" sheep intestine to be used for surgical sutures shall be refunded to the purchaser, and within 30 days after the effective date of this Order No. 8, the applicant shall file a statement with the Secretary, Office of Price Administration in Washington, D. C., to the effect that all its contracts have been revised in accordance with the terms of the Order No. 8 and wherever required, refunds have been made.

(c) This Order No. 8 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 8 (§ 1499.408) shall become effective December 12, 1942.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13232; Filed, December 11, 1942; 2:37 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 61A]

HOTELS AND ROOMING HOUSES

In the judgment of the Administrator, rents for housing accommodations within that portion of the Nebraska Defense-Rental Area consisting of the Counties of Adams and Clay, designated in the designation and rent declaration issued by the Administrator on October 5, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designation and rent declaration.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the said portion of the Nebraska Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the said portion of the Nebraska Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this maximum rent regulation for rooms in hotels and rooming houses within the said portion of the Nebraska Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 61A is hereby issued.

AUTHORITY: §§ 1388.831 to 1388.844, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.831 *Scope of regulation.* (a) This Maximum Rent Regulation No. 61A applies to all rooms in hotels and rooming houses within that portion of the Nebraska Defense-Rental Area consisting of the Counties of Adams and Clay (referred to hereinafter in this maximum rent regulation as the "defense-rental area"), as designated in the designation and rent declaration (§§ 1388.1341 to 1388.1345, inclusive) issued by the Administrator on October 5, 1942, except as provided in paragraph (b) of this section.

(b) This maximum rent regulation does not apply to the following:

(1) Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part;

(3) Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes;

(4) Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this maximum rent regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this maximum rent regulation is void. A tenant shall not be entitled by reason of this maximum rent regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this maximum rent regulation.

(e) Where a building or establishment which does not come within the definitions of a hotel or rooming house contains one or more furnished rooms or other furnished housing accommodations rented on a daily, weekly or monthly basis, the landlord may, with the consent of the Administrator, elect to bring all housing accommodations within such building or establishment under the control of this maximum rent regulation. A landlord who so elects shall file a registration statement under this maximum rent regulation for all such housing accommodations, accompanied by a written request to the Administrator to consent to such election.

If the Administrator finds that the provisions of this maximum rent regulation establishing maximum rents are better adapted to the rental practices for such building or establishment than the provisions of the maximum rent regulation for housing accommodations other than hotels and rooming houses, he shall consent to the landlord's election. Upon such consent, all housing accommodations within such building or establishment which are or hereafter may be rented or offered for rent shall become subject to the provisions of this maximum rent regulation, and shall be considered rooms within a rooming house for the purposes of the provisions relating to eviction.

The landlord may at any time, with the consent of the Administrator, revoke

his election, and thereby bring under the control of the maximum rent regulation for housing accommodations other than hotels and rooming houses all housing accommodations previously brought under the maximum rent regulation by such election. He shall make such revocation by filing a registration statement or statements under the maximum rent regulation for housing accommodations other than hotels and rooming houses, including in such registration statement or statements all housing accommodations brought under this maximum rent regulation by such election. Such registration statement or statements shall be accompanied by a written request to the Administrator to consent to such revocation. The Administrator may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Administrator finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the maximum rent regulation for housing accommodations other than hotels and rooming houses.

§ 1388.832 *Prohibition.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 61A of any room in a hotel or rooming house within the defense-rental area higher than the maximum rents provided by this maximum rent regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this maximum rent regulation may be demanded or received.

(b) No tenant shall be required to change his term of occupancy if that will result in the payment of a higher amount per day than the maximum rent established for his present term of occupancy. Where, on June 15, 1942, or between that date and the effective date of this maximum rent regulation, a room was regularly rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy, unless he offers another term of occupancy for a rent which results in the payment of an amount no higher per day.

§ 1388.833 *Minimum services, furniture, furnishings and equipment.* Except as set forth in § 1388.835 (b), every landlord shall, as a minimum, provide with a room the same essential services, furniture, furnishings and equipment as those provided on the date or during the thirty-day period determining the maximum rent, and as to other services, furniture, furnishings and equipment not substantially less than those provided on such date or during such period: *Provided, however,* That where fuel oil is used to supply heat or hot water for a room, and the landlord provided heat or hot water on the date or during the thirty-day period determining the maximum rent, the heat and hot water which the landlord is required to supply shall not be in excess of the amount which he can supply under any statute, regulation or order of the United States or any agency thereof which rations or limits the use of fuel oil.

§ 1388.834 *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in § 1388.835) shall be:

(a) For a room rented or regularly offered for rent during the thirty days ending on March 1, 1942, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period, or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(b) For a room neither rented nor regularly offered for rent during the thirty days ending on March 1, 1942, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after March 1, 1942; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section the first rent for the room after March 1, 1942, for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942, as determined by the owner of such rooms: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.835 (c) (1).

(e) For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment, if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942.

(f) For a room rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this Maximum Rent Regulation by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this Maximum Rent Regulation No. 61A.

§ 1388.835 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the defense-rental area for comparable rooms on March 1, 1942: *Provided, however,* That no maximum rent shall be increased because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on March 1, 1942, the difference in the rental value of the accommodations by reason of such improvement or increase: *And provided further,* That no adjustment shall be ordered because of a major capital improvement, an increase or decrease in services, furniture, furnishings or equipment, or a deterioration, where it appears that the rent during the thirty-day period determining the maximum rent was fixed in contemplation of and so as to reflect such change. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942. In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the defense-rental area for comparable rooms during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from

ordinary repair, replacement and maintenance.

(2) There was, on or prior to March 1, 1942, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent during the thirty-day period ending on March 1, 1942, was fixed by a lease or other rental agreement which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the defense-rental area for comparable rooms on March 1, 1942.

(5) There was in force on March 1, 1942, a written lease, for a term commencing on or prior to March 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the defense-rental area for comparable rooms on March 1, 1942.

(6) The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) (1) If, on the effective date of this Maximum Rent Regulation, No. 61A, the services provided for a room are less than the minimum services required by § 1388.833, the landlord shall either restore and maintain such minimum services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. If, on such effective date, the furniture, furnishings or equipment provided with a room are less than the minimum required by § 1388.833, the lardlord shall, within 30 days after such date, file a written report showing the decrease in furniture, furnishings or equipment.

(2) Except as above provided, the landlord shall, until the room becomes vacant, maintain the minimum services, furniture, furnishings and equipment unless and until he has filed a petition to decrease the services, furniture, furnishings or equipment and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, furniture, furnishings or equipment he shall file a petition within 10 days after the change occurs. When the room becomes vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph may be decreased in accordance with the provisions of § 1388.835 (c) (3). If the landlord fails to file the petition or report required by this paragraph within the time specified, or decreases the services, furniture, furnishings or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or the effective date of this maximum rent regulation, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings or equipment. In such case, any order decreasing the maximum rent shall be effective to decrease such rent from the beginning of the first rental period after the decrease in services, furniture, furnishings or equipment or after the effective date of this maximum rent regulation, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for the room is higher than the rent generally prevailing in the defense-rental area for comparable rooms on March 1, 1942.

(2) There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a decrease in the minimum services, furniture, furnishings or equipment required by § 1388.833 since the date or order determining the maximum rent.

(4) The rent on the date determining the maximum rent for the room was substantially higher than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this maximum rent regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable rooms on March 1, 1942.

§ 1388.836 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this maximum rent regulation; or

(2) The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), the landlord shall file a written report on a form provided therefor before renting the room during a period of 6 months after such removal or eviction.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so

certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this maximum rent regulation and would not be likely to result in the circumvention or evasion thereof.

(c) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the area rent office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) The provisions of this section do not apply to:

(1) A subtenant or other person who occupied under a rental agreement with the tenant where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant; or

(2) A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on a daily basis.

(3) Rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.837 *Registration and records.* (a) Within 45 days after the effective date of this Maximum Rent Regulation No. 61A every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maximum rent established after the effective date of this maximum rent regulation under paragraphs (b) or (c) of § 1388.834 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) Within 45 days after the effective date of this maximum rent regulation, every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Administrator the landlord shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms under § 1388.834 (d). The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(e) Every landlord of a room rented or offered for rent shall preserve, and make available for examination by the Administrator, all his existing records showing or relating to (1) the rent for each term and number of occupants for which such room was rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room and (2) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under § 1388.834 (c).

Every landlord of an establishment containing more than 20 rooms rented or offered for rent shall keep, preserve, and make available for examination by the Administrator, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Administrator, records of the same kind as he has customarily kept relating to the rents received for rooms.

§ 1388.838 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may from time to time require.

§ 1388.839 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 61A shall not be evaded, either directly or indirectly in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

§ 1388.840 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 61A are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.841 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 61A shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.842 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 61A may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.843 *Definitions.* (a) When used in this Maximum Rent Regulation No. 61A:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The "area rent office" means the office of the Rent Director in the defense-rental area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or llegal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accomodations, and other properties used for living or dwelling purposes), together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) The term "services" includes repairs, decorating, and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) The term "rent" means the consideration, including any bonus, benefit,

or gratuity demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) The term "term of occupancy" means occupancy on a daily, weekly, or monthly basis.

(13) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this maximum rent regulation.

§ 1388.844 *Effective date of the regulation.* This Maximum Rent Regulation No. 61A (§§ 1388.831 to 1388.844, inclusive) shall become effective December 12, 1942.

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13229; Filed, December 11, 1942; 2:36 p. m.]

PART 1389—APPAREL

[MPR 287]

MANUFACTURERS' PRICES FOR WOMEN'S, GIRLS' AND CHILDREN'S OUTERWEAR GARMENTS

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for manufacturers of certain women's, girls', and children's outerwear garments. The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 287 is hereby issued.

Sec.

AUTHORITY: §§ 1389.351 to 1389.374 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1389.351 *Applicability of this regulation*—(a) *What garments must be priced under this regulation.* This regulation applies only to those women's, girls' and children's outerwear garments which are described and identified by a category number in Appendix A (§1389.370).

(b) *What persons must price under this regulation.* This regulation establishes maximum prices for sales by "manufacturers". A manufacturer is a person who sells a garment which he has fabricated or which has been fabricated for him by an agent or by a "contractor" as that term is defined in Maximum Price Regulation No. 172.[1]

§ 1389.352 *How to use the pricing rules in this regulation*—(a) *Manufacturers except "manufacturing-retailers," "custom tailors," and "dressmakers."* All manufacturers (except "manufacturing-retailers," "custom tailors," and "dressmakers") should refer to § 1389.353 for the pricing of their garments.

Paragraph (a) of § 1389.353 provides a "Pricing Chart" which must be prepared before a manufacturer may sell or deliver any garments covered by this regulation. Certain terms used in paragraph (a) are explained in paragraph (b). Paragraph (c) contains the seven pricing rules which are to be used:

Rules 1 and 2 are to be used for pricing garments of the same category number as those delivered during March 1942.

Rule 3 is to be used for pricing garments of a category number different from those delivered during March 1942.

Rule 4 is to be used after January 20, 1943, for pricing garments by manufacturers who delivered garments covered by this regulation during March 1942, and who have not received from the Office of Price Administration an acknowledgment of the receipt of the filing of their Pricing Chart.

Rules 5 and 6 are to be used by manufacturers who made no deliveries during March 1942 of any garments covered by this regulation.

(b) *"Manufacturing-retailers."* Manufacturers who are "manufacturing-retailers" should price their garments by Rule 7 (§ 1389.354). A "manufacturing-retailer" is a manufacturer who maintains one or more establishments selling at retail, or who otherwise sells to ultimate consumers and who sells substantially all of the garments that he manufactures to ultimate consumers. On sales of garments to others than ultimate consumers manufacturing-retailers shall use Rules 1 through 6 (§ 1389.353).

(c) *"Custom tailors" and "dressmakers."* Manufacturers who are "custom tailors" or "dressmakers" should use Rule 8 (§ 1389.355) for the pricing of their garments. A "custom tailor" or "dressmaker" is a manufacturer who sells to ultimate consumers from his own regular establishment, garments fabricated by himself to the individual specifications and at the special order of such ultimate consumers. He shall use Rule 8 only in pricing those garments which he sells as a custom tailor or dressmaker to ultimate consumers.

§ 1389.353 *Pricing of garments by manufacturers, except manufacturing-retailers and custom tailors*—(a) *Pricing chart.* Before selling or delivering any garment priced under this regulation, the manufacturer must prepare a pricing chart containing:

(1) A list of the category numbers delivered during March 1942.

(2) A list of each of the "selling price lines" delivered during March 1942, in each category number.

(3) The "average initial percentage margin" taken on each selling price line listed in (2) of this paragraph.

(4) The "maximum allowable margin" for each selling price line listed in (2) of this paragraph.

(5) The "minimum allowable cost" for each selling price line listed in (2) of this paragraph.

(6) The customary discounts, allowances, and trade differentials for each selling price line listed in (2) of this paragraph.

An example showing the calculations to be made in this pricing chart and a suggested form are found in Appendix B (§ 1389.371). Two copies of the pricing chart must be filed with the appropriate district or state office of the Office of Price Administration on or before January 11, 1943. The manufacturer shall preserve an additional copy for his own use.

Any manufacturer who has filed his pricing chart and then finds that the pricing chart filed was incorrect, may file two copies of an amended pricing chart setting forth the inaccuracies and the reasons therefor. Until he shall have received an acknowledgment from the Office of Price Administration of the receipt of this amended pricing chart, however, he shall not take a higher maximum

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 4882, 6684, 8351, 8948.

allowable margin than that which he has previously reported for that selling price line.

(b) *Explanation of terms used in the previous paragraph.* (1) "Selling price line" means the price at which a manufacturer first offered for sale to his general trade a style of garment on the occasion of its first cutting. Subsequent offers to sell, or sales of the same style, at higher or lower prices, are not to be considered as establishing separate selling price lines. Selling prices which differ from the prices customarily established for the general trade, because of discounts, allowances, or price differentials for different classes of purchasers, do not constitute selling price lines. Sample sales or accommodation sales shall not be considered as establishing a selling price line.

(2) "Average initial percentage margin," for a selling price line shall be calculated in the following manner:

Step 1: Find the "direct cost" of each style delivered during March 1942 in the selling price line.

Direct cost means the cost of materials, trimmings and direct labor, at the time of the first cutting, calculated in accordance with the instructions contained in Appendix D (§ 1389.373).

Costs of each style delivered during March 1942 must be calculated as of the time of the first cutting even if the first cutting of the style was prior to March 1942.

Step 2: Find the total direct cost of all styles delivered in March 1942 in the selling price line, by adding together the direct costs (Step 1) of each style.

Step 3: Find the average initial cost of garments in the selling price line by dividing the total direct cost (Step 2) by the number of styles in the line.

Step 4: Find the average initial dollar margin of garments in the selling price line by subtracting the average initial cost (Step 3) from the selling price line.

Step 5: Divide the average initial dollar margin (Step 4) by the selling price line. The result is the average initial percentage margin.

Example: A manufacturer during March 1942 delivered three styles in his $10.75 selling price line for Category No. 1. After calculating material, trimmings and direct labor costs in accordance with the instructions contained in Appendix D (Section 1389.373), he finds that the direct cost of Style 1 was $8.60, Style 2, $8.91, and Style 3, $9.10. The total direct cost of all styles in the selling price line is, therefore, $26.61. The average initial cost is $8.87 ($26.61 divided by 3). The average initial dollar margin is $1.88 ($10.75 less $8.87), and the average initial percentage margin is 17½% ($1.88 divided by $10.75).

(3) *Maximum allowable margin where the selling price lines have an 8% or higher discount to the general trade.* (i) If a manufacturer's average initial percentage margin on a selling price line is 22% or less, then his maximum allowable margin for that selling price line shall be the same as his average initial percentage margin.

(ii) If a manufacturer's average initial percentage margin on a selling price line is higher than 22%, then his maximum allowable margin for that selling price line shall be 90% of his average initial percentage margin or 22%, whichever is higher: *Provided,* That in no event shall his maximum allowable margin for any selling price line be higher than 46%.

(4) *Maximum allowable margin where the selling price lines are on a discount less than 8% to the general trade.* The percentage margins stated in subparagraph (3), namely 22% and 46% are to be used only where the selling price lines have an 8% or higher discount to the general trade. If the selling price line is on a net basis or on any discount less than 8%, the percentage margins stated in subparagraph (3) shall be adjusted as explained in Appendix C. (§ 1389.372.)

(5) *"Minimum allowable cost"* is calculated by multiplying the selling price line by the maximum allowable margin and subtracting the result from the selling price line.

Example: If a manufacturer's maximum allowable margin on his $10.75 selling price line is 30%, he multiplies $10.75 by 30% and subtracts the result ($3.22) from $10.75. The difference, $7.53, is the minimum allowable cost.

(c) "Pricing rules." A manufacturer may not sell any garments in a selling price line different from the selling price lines at which he delivered garments of the same category number during March 1942, except that he may sell garments in a lower selling price line than the lowest selling price line at which he delivered garments of the same gategory number during March 1942.

A manufacturer must not change his customary discounts, allowances and trade differentials, unless the change results in a lower net price.

Rule 1: Sales at March 1942 selling price lines. Garments of the same category number and in the same selling price lines as garments delivered during March, 1942 must contain a direct cost no less than the minimum allowable cost for that selling price line.

For example, if a manufacturer's minimum allowable cost for his $4.75 selling price line in Category No. 22 is $3.60, then every garment in Category No. 22 sold in a $4.75 selling price line must contain a direct cost of $3.60 or more.

However, a garment which contains the minimum allowable cost may be sold at a lower price than the selling price line.

For example, this same manufacturer may sell a garment in Category No. 22 which contains a direct cost of $3.60 or more at $4.50, or at any other price lower than $4.75. Customary discounts, allowances and trade differentials may not be changed, however, unless the change results in a lower net price.

Rule 2: Sales at lower selling price lines than the lowest March 1942 selling price line. A manufacturer shall establish the maximum price for garments sold in a selling price line lower than the lowest selling price line at which he delivered garments of the same category number during March 1942 by taking a margin over direct cost no higher than the maximum allowable margin for the lowest selling price line of the same category number.

For example, a manufacturer wants to sell garments of Category No. 22 in a $2.75 selling price line. His lowest selling price line for Category No. 22 during March 1942 was $3.75. He finds that his maximum allowable margin for that selling price line is 20%. Garments which he sells in a $2.75 selling price line must contain a direct cost equal to or greater than 80% of $2.75. Thus his minimum allowable cost for garments in a $2.75 selling price line is $2.20.

Rule 3: Pricing of garments of a category number not delivered during March 1942. A manufacturer who delivered garments of any category number during March 1942 and who now wishes to sell garments of a different category number from those he delivered during March 1942, must price by this rule.

He shall refer to Appendix E (§ 1389.374) for instructions to determine the selling price lines in which he may sell garments of a new category number. He may only sell in those selling price lines indicated by Appendix E (§ 1389.374) and in no other selling price lines.

A manufacturer shall establish maximum prices for garments sold in a new category number by taking a margin over direct cost no higher than the average of the maximum allowable margins for every selling price line that he delivered during March 1942, in every category number.

The average of the maximum allowable margins is determined by finding the total of all the maximum allowable margins which the manufacturer took on all selling price lines which he delivered during March 1942 and dividing this total by the number of selling price lines.

For example, if the manufacturer whose report is illustrated in Appendix B (§ 1389.371) delivered only garments in Category Nos. 21 and 22 shown in that Pricing Chart during March 1942, his maximum allowable margin for garments in a new category number shall be 30%. This is calculated by adding 22%, 27%, 20%, 46%, 15%, 41.3% and 38.7% and then dividing the sum, 210 by 7, thus giving him the maximum allowable margins for the garments of new category numbers of 30%.

If he desires to make women's coats, Category No. 1, the Table in Appendix E indicates that he would use Group I and could sell women's coats in a $16.75 selling price line. Thus, his minimum allowable cost in that selling price line would be $11.73. This is calculated by taking a maximum allowable margin of 30% on the $16.75 selling price line.

Rule 4: Manufacturers who have not received acknowledgment of the filing of their pricing chart prior to January 20, 1943. Any manufacturer who delivered garments covered by this regulation during March 1942, and who has failed to receive an acknowledgment from the Office of Price Administration indicating that his pricing chart has been filed, shall price all garments delivered after January 20, 1943, by Rule 4. This rule requires him to price garments by Rules 1, 2 and 3 with the exception that his maximum allowable margin on every selling price line shall be 15%. He shall use Rule 4 until he receives acknowledgment from the Office of Price Administration of the filing of the pricing chart.

Rule 5: Manufacturers not in business during March 1942, who commenced business prior to December 1, 1942. Except in the case of transfers of business as provided in § 1389.361, a manufac-

turer who did not deliver garments during March 1942, but who delivered garments between September 1 and November 30, 1942, inclusive, shall establish the maximum prices for his garments by either Rule 5 or Rule 6. In order to price by Rule 5 he shall follow the procedure set forth in Rules 1, 2 and 3, with the exception that for the purposes of this Rule 5 he shall substitute the months of September, October, and November, 1942, for the month of March 1942, as the base period.

On or before January 11, 1943, every manufacturer who elects to price by Rule 5 must file with the appropriate district or state office of the Office of Price Administration two copies of his pricing chart using the months of September, October, and November 1942, as his base period. In addition he shall file, in duplicate, a statement as to the date of commencement of business, date of first delivery of garments covered by this regulation and that he elects to price under Rule 5 of Maximum Price Regulation No. 287. If a manufacturer fails to file his pricing chart and statement, he cannot price under Rule 5 and must price under Rule 6.

The maximum prices established by a manufacturer under Rule 5 are subject to adjustment at any time by the Office of Price Administration.

A manufacturer who did not deliver garments during March 1942, but delivered garments before December 1, 1942, may at his option price under Rule 5 or Rule 6.

Rule 6: Manufacturers not in business during March 1942. Except in the case of transfers of business as provided in § 1389.361, a manufacturer who did not deliver garments covered by this regulation during March, 1942, and who does not elect to price under Rule 5 may not sell or deliver garments until he has received authorization from the Office of Price Administration to establish maximum prices. Three copies of an application for authorization to establish maximum prices shall be filed with the appropriate district or state office of the Office of Price Administration, setting forth the following:

(1) Applicant's name and address.

(2) Date of commencement of business.

(3) Names of all owners, officers or principals of applicant.

(4) Previous business connections of all owners, officers or principals of applicant.

(5) Category numbers of garments desired to be sold.

(6) Selling price lines for each category number of garments desired to be sold. (These must be taken from Appendix E. (§ 1389.374).)

(7) Maximum margins desired for each selling price line and terms of sale.

(8) A list of the names and addresses of five manufacturers whose methods of operations are most nearly like the methods of operation by which applicant intends to operate.

(9) Information with regard to the following:

(i) Type of trade to which garments are to be distributed—e. g., retail stores, mail order houses, etc.

(ii) Proposed method of distribution—e. g., showroom sales, traveling salesman, advertising, etc.

(iii) Proposed methods of manufacturing—e. g., contractors, inside shop, section work, piece work, etc.

(iv) Methods of styling—e. g., number of designers, etc.

If authorization be given, it will be accompanied by instructions as to a method for establishing maximum prices of the garments to be sold. These instructions may be revised at any time by the Office of Price Administration.

§ 1389.354 *Pricing of garments by manufacturing-retailers — Rule 7 — (a) Who shall price under Rule 7.* A manufacturer who maintains one or more establishments selling at retail, or who otherwise sells to ultimate consumers, and who sells substantially all of the garments that he manufactures to ultimate consumers, shall establish the maximum prices for the garments which he manufactures and sells to ultimate consumers by this rule. Garments which he sells to others than ultimate consumers shall be priced by Rules 1, 2, 3, or 4.

(b) *Method of pricing.* (1) A manufacturing-retailer shall price garments he manufactures by using Rules 1, 2, 3, or 4, except that he shall calculate his maximum allowable margin in the following manner:

(i) If his average initial percentage margin for a selling price line is 30% or less, then his maximum allowable margin shall be his average initial percentage margin.

(ii) If his average initial percentage margin for a selling price line is higher than 30%, then his maximum allowable margin for that selling price line shall be 97% of his average initial percentage margin, or 30%, whichever is higher.

(2) In determining his March 1942, selling price lines and the styles delivered in March 1942, a manufacturing-retailer shall consider only those garments delivered by him to ultimate consumers during March 1942 as a manufacturing-retailer. If he did not deliver garments as a manufacturing-retailer during March 1942, then he shall use Rule 5 or Rule 6.

(c) *Pricing Chart.* Manufacturing-retailers shall prepare and file the Pricing Chart as required by § 1389.353 (a).

§ 1389.355 *Pricing of garments by "dressmakers" and "custom tailors"—Rule 8.* "Dressmakers" and "custom tailors" who sell to ultimate consumers from their own regular establishments garments fabricated by themselves to the individual specifications and at the special order of such ultimate consumers shall price by Rule 8 only those garments which are so manufactured and sold. Rule 8 requires that they shall establish their maximum prices for such garments by §§ 1499.2 and 1499.3 of the General Maximum Price Regulation.[2]

§ 1389.356 *Manufacturers who cannot price by preceding Rules—Rule 9.* A manufacturer who cannot determine his price under any of the previous pricing rules shall not sell or deliver any garments, until he shall first have received specific authorization from the Office of Price Administration. He shall file with the nearest district or state office of the Office of Price Administration three copies of an application setting forth in detail the reasons why he cannot price under any of the rules set forth in this regulation, and a statement of the category numbers, the selling price lines and the minimum allowable costs for each selling price line that he requests permission to sell.

If such authorization be given it will be accompanied by instructions as to the method of establishing maximum prices. Such authorization may be revised at any time by the Office of Price Administration.

A manufacturer who cannot determine his maximum allowable margin because of inadequate records shall price by this rule.

§ 1389.357 *Prohibitions.* On and after December 15, 1942, regardless of any contract or other obligation:

(a) No manufacturer shall sell or deliver garments in a selling price line different from the selling price lines permitted by this regulation.

(b) No manufacturer shall sell or deliver garments on which he obtains a margin higher than the maximum allowable margins permitted by this regulation.

(c) No person shall sell or deliver garments at a price higher than the maximum prices set forth in this regulation.

(d) No person shall change his customary allowances, discounts or other price differentials, unless such change results in a lower net price.

(e) No person in the course of trade or business shall buy or receive any garment which was sold in violation of paragraphs (a), (b), (c) or (d) of this section.

(f) No person shall agree, offer, solicit or attempt to do any of the acts prohibited in paragraphs (a), (b), (c), (d), and (e) of this section.

(g) No seller shall, for the purposes of evading the price limitations set forth in this regulation sell, purchase, deliver, contract, deal or otherwise operate with or through any other person under common control with, control by, controlling or otherwise affiliated with the seller.

§ 1389.358 *Posting of selling price lines by manufacturers.* On or before December 31, 1942, every manufacturer shall post in a prominent place in his

[2] 7 F.R. 3153, 3330, 3666, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 3990, 9732, 10155.

showroom, a statement listing each category number and description (for example, Category No. 22, "Misses'" and "Jr. Misses'" Dresses—Sizes 9–20), and each selling price line which he delivered during March 1942, in each category number.

§ 1389.359 *Evasions.* The provisions of this regulation shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, and purchase or receipt of or relating to any women's, girls', and children's outerwear garments, alone or in conjunction with any other commodity or by way of commission, service, transportation, or any other charge or discount, premium or other privilege or by tying agreement or other trade understanding or otherwise.

§ 1389.360 *Records.* Every manufacturer shall maintain and keep available for the inspection of the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, the records required by § 1389.8 of Maximum Price Regulation No. 153, as amended, and also the following records:

(a) *Cutting ticket.* A separate cutting ticket shall be prepared for each cutting of materials which shall contain the following information: (1) date of cutting, (2) style number of garment, (3) number of garments cut, (4) sizes cut, (5) actual yardage used, and (6) piece goods number of the materials used.

(b) *Cost record.* Upon each cutting of a style of garment, a manufacturer shall prepare a record showing his cost. This record shall contain at least the information provided for in Appendix D (§1389.373) and shall be prepared in accordance with the instructions therein set forth.

A manufacturer may, at his option, continue to maintain his records in his customary form provided that they contain all of the information required in Appendix D (§ 1389.373).

(c) *Purchase record.* A separate record of all purchases by type of material or trimming shall be kept which will indicate the following: (1) firm name of the supplier of materials and trimmings, (2) the date the materials and trimmings were received, (3) invoice number, (4) number of yards, dozens or units received, (5) cost of freight, if freight is borne by manufacturer of garment, (6) gross price of materials and trimmings received, (7) per cent and dollar discounts, (8) net price of materials and trimmings received, and (9) net price per yard, dozen or unit of materials and trimmings received.

§ 1389.361 *Transfers of business.* (a) If the business, assets or stock in trade of any business shall be or shall have been sold or otherwise transferred after April 28, 1942, and the transferee carries on the business, or continues to deal in the same type of commodities or services, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, except as provided in paragraphs (b) and (c) of this section, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer, which are necessary to enable the transferee to comply with the record provisions of this regulation.

(b) No person shall buy, sell, transfer, lease or exchange the business, assets or stock in trade of a business for the purpose of securing higher or different selling price lines, higher or more advantageous margins, or for the purpose of securing any other benefit which may be prohibited to him by this regulation.

(c) If after December 14, 1942, two or more manufacturers merge or combine and continue to operate as one manufacturer, the manufacturer which shall continue to operate, shall establish his prices under this regulation, as if he were the manufacturer who had the largest dollar volume of sales during the twelve months immediately preceding the combination or merger.

§ 1389.362 *Invoices, sales slips and receipts*—(a) *Manufacturers selling to others than ultimate consumers.* Every manufacturer shall, in connection with every sale of garments, except sales to ultimate consumers, deliver an invoice showing: (1) the date, (2) the name and address of the seller and purchaser, (3) the style number of each of the different styles of garments sold, (4) the quantities of each different style of garment sold, (5) the price contracted for or charged by the seller for each different style of garment sold, and (6) all discounts, allowances, and other price differentials.

Each style sold must be separately itemized.

(b) *Manufacturers selling to ultimate consumers.* Every manufacturer selling to ultimate consumers who has customarily given to the ultimate consumer a sales slip, receipt or similar evidence of purchase, shall continue to do so. Upon request from an ultimate consumer any such seller, regardless of previous custom, shall give the purchaser a receipt showing: (1) the date, (2) the name and address of the seller, (3) the name or description of each garment sold, and (4) the price received for it.

§ 1389.363 *Licenses*—(a) *Licenses required.* A license, as a condition of selling, is hereby required of every manufacturer now or hereafter making a sale of a garment for which a maximum price is established by this regulation. The person whose license is suspended in proceedings under section 205 (f) (2) of the Emergency Price Control Act of 1942 shall not, during the period of suspension, sell any garment as to which his license to sell is suspended.

(b) *Licenses granted.* Every person now or hereafter making a sale of any garment for which a maximum price is established by this regulation or by any amendment thereto, is hereby granted a license as a condition of selling such garment. The provisions of this regulation shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of the provisions of said license. Such license shall be effective on the effective date of this regulation, or when any such person becomes subject to the provisions of this regulation, and shall unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, as amended, continue in force as long as such regulation or any amendment or supplement thereto remains in effect.

(c) *Registration of licensees.* Every person hereby licensed, may be required to register with the Office of Price Administration at such time, and in such manner as the Administrator may hereafter by regulation prescribe.

§ 1389.364 *Enforcement.* (a) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, proceedings for the suspension of licenses, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this regulation or any price schedule, regulation or order, issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state or regional office of the Office of Price Administration.

§ 1389.365 *Relation of this regulation to other maximum price regulations*—(a) *Maximum Price Regulation No. 153, as amended.*[1] (1) A manufacturer may at his option sell and deliver prior to January 11, 1943, any garments which were in stock or in the process of manufacture on December 15, 1942, at prices no higher than the maximum prices established under Maximum Price Regulation No. 153, as amended, or under § 1499.2 (a) of the General Maximum Price Regulation.

(2) A manufacturer may sell and deliver prior to January 11, 1943, garments which are recuts or reorders of styles which were manufactured for ultimate sale at retail during the fall and winter season of 1942–43 at prices established under § 1389.3 (b) of Maximum Price Regulation No. 153, as amended. However, recuts and reorders of styles for which prices were established prior to December 15, 1942, under § 1499.2 (a) of the General Maximum Price Regulation shall be priced under this regulation, on and after the effective date of this regulation. As to garments listed in Categories Nos. 1, 2, 3, 4, and 5, the date shall be February 1, 1943, instead of January 11, 1943.

(3) This Maximum Price Regulation No. 287 shall be considered as an amendment to Maximum Price Regulation No. 153, as amended, for all purposes, except that it shall be known as Maximum Price Regulation No. 287.

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[1] 7 F.R. 4381, 5869, 7010, 7535, 8946, 10081, 8878.

(b) *Maximum Price Regulation No. 157.*[4] Maximum Price Regulation No. 157, Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes, shall apply and this regulation shall not apply to transactions which are subject to any of the provisions of Maximum Price Regulation No. 157.

(c) *Maximum Price Regulation No. 172.*[5] Maximum Price Regulation No. 172, Charges of Contractors in Apparel Industry, shall apply, and this regulation shall not apply to transactions for which maximum prices are established by Maximum Price Regulation No. 172.

(d) *Revised Maximum Export Price Regulation.*[6] Revised Maximum Export Price Regulation shall apply, and this regulation shall not apply to sales or deliveries for which maximum prices are established by Revised Maximum Export Price Regulation, issued by the Office of Price Administration.

(e) *General Maximum Price Regulation.*[7] The General Maximum Price Regulation shall not apply, and this regulation shall apply to sales, deliveries, and offers to sell and to deliver, women's, girls' and children's outerwear garments for which prices are established by this regulation. However, the following sections of the General Maximum Price Regulation are made a part of this regulation, and each seller must comply with them.

(1) Federal and State taxes (§ 1499.7).

(2) Every manufacturer subject to this regulation who makes sales of garments to ultimate consumers shall, in connection with such sales, be subject to the statement, marking and posting provisions of § 1499.13 of the General Maximum Price Regulation, except manufacturers who sell to ultimate consumers at no higher prices than those posted pursuant to § 1389.358.

§ 1389.366 *Geographical applicability of this regulation.* This regulation shall be applicable to the continental United States, and to the District of Columbia, but not to the territories and possessions of the United States.

§ 1389.367 *How this regulation may be amended.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[8] issued by the Office of Price Administration.

§ 1389.368 *Definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in § 1499.20 of the General Maximum Price Regulation,[9] shall apply to the terms used in this regulation.

§ 1389.369 *Effective date.* This Maximum Price Regulation No. 287 (§§ 1389.351 to 1389.374, inclusive) shall become effective December 15, 1942.

§ 1389.370 *Appendix A: What garments must be priced under this regulation.* This regulation applies to the following garments, if fabricated from yard goods, including knitted fabrics and lace:

(a) *Coats:* "Coats" include feminine outerwear garments, commonly known as coats, usually worn over other outer apparel, untrimmed, trimmed and fur-trimmed, sport and dress, including capes and wraps, but not including rainwear garments or garments made of artificial leather. Rainwear garments are those which are commonly regarded as having their chief use as protection against rain. Infants' coats are not included.

Category numbers:

#1—"Women's"—all sizes.
#2—"Misses' " and "jr. misses' "—sizes from 9 to 20, inclusive.
#3—"Teen age"—sizes from 10 to 16, inclusive.
#4—"Girls' "—sizes from 7 to 14, inclusive.
#5—"Children's"—sizes from 3 to 6, inclusive.

(b) *Suits:* "Suits" include two-piece feminine outerwear garments, untrimmed, trimmed and fur-trimmed, consisting of a separate jacket and separate skirt fabricated of wool, cotton, rayon, silk or other yard goods of either matching or contrasting material to be sold at a unit price. Skating suits consisting of a separate jacket and a separate skirt are deemed to be suits. Infants' suits are not included.

Category numbers:

#6—"Women's"—all sizes.
#7—"Misses' " and "jr. misses' "—sizes from 9 to 20, inclusive.
#8—"Teen age"—sizes from 10 to 16, inclusive.
#9—"Girls' "—sizes from 7 to 14, inclusive.
#10—"Children's"—sizes from 3 to 6, inclusive.

(c) *Separate jackets:* "Separate jackets" include feminine outerwear garments, commonly known as jackets, including skating jackets, but excluding garments made of artificial leather. Boleros, jerkins and other garments of the same type are considered to be jackets. Infants' jackets are not included.

Category numbers:

#11—"Women's"—all sizes.
#12—"Misses' " and "jr. misses' "—sizes from 9 to 20, inclusive.
#13—"Teen age"—sizes from 10 to 16, inclusive.
#14—"Girls' "—sizes from 7 to 14, inclusive.
#15—"Children's"—sizes from 3 to 6, inclusive.

(d) *Separate skirts:* "Separate skirts" include feminine outerwear garments, commonly known as skirts, including skating skirts, but excluding culottes. Infants' skirts are not included.

Category numbers:

#16—"Women's"—all sizes.
#17—"Misses' " and "jr. misses' "—sizes from 9 to 20, inclusive.
#18—"Teen age"—sizes from 10 to 16, inclusive.
#19—"Girls' "—sizes from 7 to 14, inclusive.
#20—"Children's"—sizes from 3 to 6, inclusive.

(e) *Dresses:* "Dresses" include feminine outerwear garments commonly known as dresses, whether used for street, evening, house or utility wear. Jumpers, guimpes, pinafores, brunchcoats, smocks and similar garments are considered dresses. Infants' dresses are not included.

Category numbers:

#21—"Women's"—all sizes.
#22—"Misses' " and "jr. misses' "—sizes from 9 to 20, inclusive.
#23—"Teen age"—sizes from 10 to 16, inclusive.
#24—"Girls' "—sizes from 7 to 14, inclusive.
#25—"Children's"—sizes from 3 to 6, inclusive.

(f) *Blouses:* "Blouses" include feminine outerwear garments, commonly known as blouses or shirtwaists.

Category number:

#26—"Blouses"—sizes 30 and up.

(g) *Snowsuits:* "Snowsuits" include children's (including boys' and girls') and infants' outerwear garments, commonly known as snowsuits, or ski suits.

Category numbers:

#27—One-piece snowsuits (with or without a matching hat)—sizes from 1 to 6, inclusive.
#28—Snowsuits of two pieces (with or without a matching hat)—sizes from 3 to 14, inclusive.

(h) *Legging sets and separate leggings:* "Legging sets" and "separate leggings" include children's (including boys' and girls') and infants' outerwear garments, commonly known as legging sets and separate leggings, but excluding garments made of artificial leather.

Category numbers:

#29—Legging sets—sizes from 1 to 10, inclusive.
#30—Separate leggings—sizes from 1 to 10, inclusive.

(i) *Separate ski pants:* "Separate ski pants" include children's (including boys' and girls') outerwear garments, commonly known as ski pants.

Category number:

#31—Separate ski pants—sizes 3 to 14, inclusive.

§ 1389.371 *Appendix B: Explanation of pricing chart.* An example of the pricing chart required to be prepared by § 1389.353 follows. This shall be prepared for every selling price line delivered during March 1942, in every category number.

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[4] 7 F.R. 4273, 4541, 4618, 5180, 6004, 6424, 8948.
[5] *Supra*, note 1.
[6] 7 F.R. 5059, 7242, 8829, 9000.
[7] *Supra*, note 2.
[8] 7 F.R. 8961.
[9] *Supra*, note 2.

A	B	C	D	E	F
Category number	Selling price lines	Terms	Average initial percentage margin	Maximum allowable margin	Minimum allowable cost
22	3.75	8/10/EOM	23%	22%	2.93
	4.75	8/10/EOM	30%	27%	3.47
	5.75	8/10/EOM	20%	20%	4.60
	6.75	8/10/EOM	60%	46%	3.55
21	3.75	Net	15%	15%	3.19
	4.75	Net	60%	41.3%	2.79
	5.75	Net	43%	38.7%	3.52

§ 1389.372 *Appendix C: Adjustment of maximum allowable margins under § 1389.353 (b) (4)—(a) Selling price lines with 3% discount.* If the selling price line for which the maximum allowable margin is being calculated has 3% discount terms, then § 1389.353 (b) (4) shall read as follows:

(3) *Maximum allowable margin.* (i) If a manufacturer's average initial percentage margin on a selling price line is 17.8% or less, then his maximum allowable margin for that selling price line shall be the same as his average initial percentage margin.

(ii) If a manufacturer's average initial percentage margin on a selling price line is higher than 17.8%, then his maximum allowable margin for that selling price line shall be 90% of his average initial percentage margin or 17.8%, whichever is higher: *Provided*, That in no event shall his maximum allowable margin for any selling price line be higher than 43.1%.

(b) *Selling price lines on net basis.* If the selling price line for which the maximum allowable margin is being calculated is on a net basis, then § 1389.353 (b) (4) shall read as follows:

(3) *Maximum allowable margin.* (i) If a manufacturer's average initial percentage margin on a selling price line is 15.2% or less, then his maximum allowable margin for that selling price line shall be the same as his average initial percentage margin.

(ii) If a manufacturer's average initial percentage margin for a selling price line, is higher than 15.2%, then the maximum allowable margin for that selling price line shall be 90% of the average initial percentage margin or 15.2%, whichever is higher: *Provided*, That in no event shall the maximum allowable margin for any price line be higher than 41.3%.

(c) *Selling price lines on other terms.* If the selling price line for which the maximum allowable margin is being calculated is based on different discount terms, the following table is to be used:

Terms	Basic margin	Over-riding margin
Net	15.2	41.3
1	15.9	41.8
2	16.9	42.5
3	17.8	43.1
4	18.5	43.6
5	19.4	44.2
6	20.3	44.8
7	21.2	45.4
8 and up	22.0	46.0

§ 1389.373 *Appendix D: Cost records—(a) Instructions for preparing cost records.* A separate cost record must be kept for each cutting of any garment covered by this regulation. A "cutting" is considered a group of garments of the same style that are put into production as one lot, or on one order, and are completed at approximately the same time. Garments may be considered as in the same cutting even though the size of the lot, or order, requires the fabric to be physically cut in two or more lays. On second and subsequent cuttings detailed entries are not necessary, except to specify changes in cost which have occurred.

The following items are to be included in the required records:

(1) *Category number.* Section 1389.-370 lists thirty-one categories. State the number of the category which describes the garment.

(2) "Selling price line" should be determined in accordance with § 1389.353 (b) (1).

(3) *Terms of sale.* State the customary discounts offered to each class of trade.

(4) "Maximum allowable percentage margin and minimum allowable cost" are to be calculated as required in § 1389.353. See also Appendix B (§ 1389.371).

(5) *Price rule used.* This regulation provides 9 rules for pricing. Record the number of the pricing rule used: for example, Rule 1, Rule 3, etc.

(6) "Style number of garment and description" must include an identification of the style and type of garment.

(7) "Date first cut for stock or order" shall be the date of the first cutting of the style, excluding the cutting of samples or duplicate samples.

(8) *Cost of materials.* The following data relating to materials cost must be recorded: cutting ticket number or other identification, description of materials used, total number of yards used, net cost per yard, total cost of materials in all garments cut, and the average cost per unit or per dozen garments.

The following instructions relate to calculations of costs of materials:

(i) Total cost of materials shall be calculated at (*a*) actual net cost of materials, or (*b*) the maximum price, at the time of cutting, that the regulations of the Office of Price Administration permit your customary source of supply to charge for said materials, whichever of the two is lower.

(ii) Only net cost of materials shall be used in your calculations. Net cost is the amount paid for the materials after deducting all discounts. Incoming transportation or uncut yard goods may be added to net cost if paid by you. Storage, warehousing and insurance charges shall not be included in the cost of materials.

(iii) In no case shall you include in your cost any amount charged or expense established by means of or resulting from a fictitious sale, fictitious billing, or fictitious valuation of materials.

(iv) On a cutting where materials consist of lots purchased at different costs, the quantities of materials at each cost shall be calculated in determining the net cost of materials used.

(v) When woolen materials are used, you may add to the cost of materials the actual net cost of shrinking and examining paid by you, but not included as part of the purchase price of the woolens. If the woolen fabrics used in the garments were shrunk after purchasing, state the number of yards used and the net cost on the basis upon which you purchased the fabric from your supplier of the material.

(9) *Cost of trimmings.* The following data relating to trimmings cost must be recorded: a description of each trimming, and accessory used in the manufacture of the garments (including all work such as pleating, embroidery, fagoting, etc., not performed in your plant), the total quantity used in yards, dozens or units, the net cost per yard, dozen or unit, the total cost of trimmings in all garments cut, and the cost per unit or dozen garments.

The instructions for calculating the net cost of materials shall apply to the calculation of net trimming cost.

(10) "Direct labor costs" shall be calculated on the basis of wage rates paid by you on March 31, 1942, plus any subsequent increase thereto pursuant to a collective bargaining contract or other wage agreement, which contract was entered into on or before July 1, 1942, and provides for an unconditional increase of wage rates of a fixed amount or per cent. If you paid wage rates at the time of cutting in excess of the above basis, proper downward adjustments shall be made in calculating the labor costs for the garments. The following additional instructions relate to calculations of direct labor costs:

(i) No make-up or overtime shall be included in calculating labor costs.

(ii) The following operations are examples of what shall be considered direct labor: cutting, pattern grading, marking, assorting or dividing, operating or sewing, pressing or ironing, finishing by hand, factory examining of garments and similar costs.

(iii) Items of indirect labor or overhead costs shall not be included in calculating the direct labor cost of the garments. Examples of what shall be considered indirect labor are: foremen, floor men, supervisory examination of garments, repairing and maintenance personnel, designers, sample room employees, porters, watchmen, piece goods clerks, buyers, receiving room employees, clerical employees, shipping room employees, etc.

(iv) The following are examples of overhead costs: unemployment insurance, social security, pension contribution, contributions to welfare funds, health or accident insurance, workman's compensation, and any present or future tax upon, or measured by wages, etc.

(v) Overhead, administration expenses or factory burden shall not be included in direct cost of the garments. Examples of these are: insurance, storage, warehousing, outgoing freight, transportation to and from contractors, factory supplies, light, power, machine supplies, machine part replacements, and repairs, rent, taxes, etc.

(vi) General administrative expenses shall not be included. Examples of these are: executive and officers' salaries, telephone, telegrams, stationery, printing, postage, travelling expenses, legal and professional fees, donations, etc.

(vii) Contractors' overhead and profit allowance shall not be included in the direct labor cost of the garments. If you have garments produced by contractors, you shall maintain complete records at your principal place of business showing the contractor's costs of direct labor. Contractors are required to furnish to manufacturers all data on labor and trimmings costs necessary to enable the manufacturer to prepare the records required by this regulation.

(11) "Direct cost of each garment" shall be the total of the material, trimming, and direct labor costs specified above. If the total direct cost of all the garments in a cutting shall be equal to or greater than the sum of the minimum allowable cost for the garment multiplied by the number of garments cut, then for the purpose of this regulation, every garment in that cutting shall be considered to have the minimum allowable cost.

(12) *Size differences.* If a style is manufactured to sell in a size range and garments of the average size in that size range contain the minimum allowable cost, then on subsequent cuttings of that style, garments which are lower in cost than the average size, only because different sizes are cut, shall be considered to have the minimum allowable cost.

(b) Together with the cost record shall be kept a record of each cutting, showing the date of the cutting, the total number of garments cut, and the actual yardage used.

(c) A suggested form for keeping the cost records required by § 1389.360 is set forth below. A manufacturer may, at his option, continue to keep his customary records, provided all the information required by this section is summarized in one record.

SUGGESTED COST RECORD FORM FOR MANUFACTURERS OF WOMEN'S, MISSES' AND CHILDREN'S OUTERWEAR GARMENTS

This form may be duplicated. Copies will not be furnished by the Office of Price Administration

Category number	Style number of garment
Selling price line $..per unit (..) doz. (..)	Description
Terms of sale	
Maximum allowable percentage margin	
Minimum allowable cost, $	Size range cut:
Price rule used, #	Date first cut for stock or order

Data for cutting recorded below:
Date of cutting _____, Number of garments cut _____.
Cost data below were based on: (check one) per unit (..); per dozen garments (..).

I. Cost of materials:

Cutting ticket number or other identification	Description of materials	For all garments cut: Total number of yds. used (1)	Net cost per yard (2)	Total costs cols. 1 x 2 (3)	Cost per unit or dozen (4)
	Actual net cost of shrinking and examining woolens				
	Total material cost of all garments in this cutting				
	Average material cost per unit or dozen garments				

II. Costs of trimmings:

Descriptions of items, and other identification	Quantity used in yards, dozens or units	Net cost per yard, dozen or unit	Total costs
Total trimming cost of all garments in this cutting			
Average trimming cost per unit or dozen garments			

III. Direct labor costs:

	Check one: Piece work	Check one: Week work	Cost per unit or dozen
Cutting			
Operating or sewing			
Pressing or ironing			
Finishing by hand			
All other direct labor listed by craft or operation:			
Total direct labor costs per unit or dozen garments			

IV. Total direct cost per _____ (Unit or dozen) garments

§ 1389.374 *Appendix E: Table of permissible selling price lines for new categories*—(a) *Instructions for use of table.* (1) The Table in paragraph (b) shall be used in pricing garments by Rule 3 (§ 1389.353).

(2) A manufacturer first finds the group in which appears the highest selling price line in which he delivered garments during March, 1942 in any category number. He may use the selling price line listed in that group for garments of the new category number, and any selling price lines listed in any lower group.

For example, a manufacturer wants to sell women's coats, a category number which he did not deliver in March, 1942. The highest selling price line in which he delivered garments of any category number in March, 1942 was his $5.50 women's dresses, Category No. 21. He, therefore, belongs to Group H.

Thus, he finds that the highest selling price line in which he may sell women's coats, Category No. 1, is $14.75. He may sell women's coats in selling price lines of $14.75, $12.75, $10.75, $8.75, $7.75, $6.75, $5.75 and $4.75. He may also sell women's coats in any selling price line lower than $4.75 (this is explained in subparagraph (5) of this paragraph).

(3) For pricing suits, jackets and skirts, Category Nos. 6–20 inclusive, Column II shall be used, when referring to or pricing garments manufactured of fabrics containing 25% or more wool content (new or reprocessed wool), or manufactured of a "pile fabric", i. e., a three dimensional fabric composed of backing warp, filling, and pile warp woven at right angles to the backing warp and filling. Column I shall be used when referring to or pricing garments manufactured of all other fabrics.

For example, the highest selling price line in which a manufacturer delivered women's coats during March, 1942 was $8.75. He belongs to Group E. He now desires to sell women's wool suits of Category No. 6. His highest selling price line is $8.75 (Column II). However, his highest selling price line for cotton and rayon suits is $3.75 (Column I).

(4) If the highest selling price line at which a manufacturer delivered garments in a category number during March, 1942 is in between two groups, he shall use the lower of the two groups.

For example, if the highest selling price line at which a manufacturer delivered women's dresses, Category No. 21, during March, 1942 was $5.75, he shall use Group H and not Group I.

(5) A manufacturer may sell garments in any selling price lines lower than the selling price lines listed in Group A.

(6) If the highest selling price line at which a manufacturer delivered garments in any category number is lower than the selling price line mentioned in Group A, the manufacturer shall use Group A.

(7) If the highest selling price line at which a manufacturer delivered garments in a category number during March, 1942, is higher than the highest selling price line listed for that category number in the Table, he uses that group in which appears the highest selling price line for that category number.

For example, if the highest selling price line at which a manufacturer delivered blouses, Category No. 26, during March, 1942, was $8.75, he uses Group N, as in that group appears the highest selling price line for Category No. 26, and the highest price line of which he can deliver women's dresses, Category No. 21 is $14.75.

(8) If the highest selling price line at which a manufacturer delivered garments of a category number appears in two groups, he shall use the lower of the groups in which this selling price line appears.

For example, if the highest selling price line at which a manufacturer delivered women's dresses, Category No. 21, during March 1942 was $2.25, he shall use Group B and not Group C. Thus the highest selling price line at which he may sell women's coats in Category No. 1 is $5.75.

(b) *Table of permissible selling price lines for new categories.*

Category No.	Garments	Group A		Group B		Group C		Group D		Group E		Group F		Group G		Group H	
		I	II	I	II	I	II	I	II	I	II	I	II	I	II	I	II
	(COATS)																
1	"Women's"	-------	4.75	-------	5.75	-------	6.75	-------	7.75	-------	8.75	-------	10.75	-------	12.75	-------	14.75
2	"Misses'" and "jr. misses'"	-------	4.75	-------	5.75	-------	6.75	-------	7.75	-------	8.75	-------	10.75	-------	12.75	-------	14.75
3	"Teen age"	-------	3.75	-------	4.75	-------	4.75	-------	5.75	-------	6.75	-------	7.75	-------	8.75	-------	10.75
4	"Girls'"	-------	3.75	-------	3.75	-------	4.75	-------	4.75	-------	5.75	-------	6.75	-------	7.75	-------	8.75
5	"Children's"	-------	2.75	-------	2.75	-------	3.75	-------	3.75	-------	4.75	-------	4.75	-------	5.75	-------	6.75
	SUITS																
6	"Women's"	2.50	4.75	2.50	5.75	3.25	6.75	3.25	7.75	3.75	8.75	3.75	10.75	4.75	12.75	4.75	14.75
7	"Misses'" and "jr. misses'"	2.50	4.75	2.50	5.75	3.25	6.75	3.25	7.75	3.75	8.75	3.75	10.75	4.75	12.75	4.75	14.75
8	"Teen age"	2.00	3.75	2.00	4.75	2.50	4.75	2.50	5.75	3.00	6.75	3.00	8.75	3.75	8.75	3.75	8.75
9	"Girls'"	1.87½	3.75	1.87½	3.75	1.87½	3.75	2.50	4.75	2.50	4.75	3.00	5.75	3.00	6.75	3.75	6.75
10	"Children's"	1.31¼	2.75	1.31¼	2.75	1.31¼	3.75	1.87½	3.75	1.87½	3.75	2.50	4.75	2.50	4.75	3.00	4.75
	JACKETS																
11	"Women's"	1.87½	2.75	1.87½	2.75	2.50	3.75	2.50	3.75	2.50	4.75	3.00	4.75	3.00	5.75	3.00	6.75
12	"Misses'" and "jr. misses'"	1.87½	2.75	1.87½	2.75	2.50	3.75	2.50	3.75	2.50	4.75	3.00	4.75	3.00	5.75	3.00	6.75
13	"Teen age"	1.31¼	2.50	1.31¼	2.50	1.87½	3.00	1.87½	3.00	1.87½	3.75	2.50	3.75	2.50	4.75	2.50	5.75
14	"Girls'"	.87½	2.50	1.31¼	2.50	1.31¼	2.50	1.31¼	2.50	1.87½	3.00	1.87½	3.00	1.87½	3.75	2.50	3.75
15	"Children's"	.87½	1.31¼	.87½	1.87½	.87½	1.87½	1.31¼	1.87½	1.31¼	2.50	1.31¼	2.50	1.87½	3.00	1.87½	3.00
	SKIRTS																
16	"Women's"	1.31¼	1.37½	1.31¼	1.37½	1.31¼	1.87½	1.31¼	1.87½	1.87½	2.50	1.87½	3.00	1.87½	3.75	2.50	3.75
17	"Misses'" and "jr. misses'"	1.31¼	1.31¼	1.31¼	1.31¼	1.31¼	1.87½	1.31¼	1.87½	1.87½	2.50	1.87½	3.00	1.87½	3.75	2.50	3.75
18	"Teen age"	.87½	1.31¼	.87½	1.31¼	1.31¼	1.31¼	1.31¼	1.87½	1.31¼	1.87½	1.87½	2.50	1.87½	3.00	1.87½	3.00
19	"Girls'"	.68¾	1.31¼	.87½	1.31¼	.87½	1.31¼	1.31¼	1.31¼	1.31¼	1.87½	1.31¼	1.87½	1.87½	2.50	1.87½	2.50
20	"Children's"	.68¾	.87½	.68¾	.87½	.87½	1.31¼	.87½	1.31¼	.87½	1.31¼	1.31¼	1.50	1.31¼	1.50	1.31¼	1.87½
	DRESSES																
21	"Women's"	-------	1.87½	-------	2.25	-------	2.25	-------	2.87½	-------	2.87½	-------	3.75	-------	4.75	-------	5.50
22	"Misses'" and "jr. misses'"	-------	1.87½	-------	2.25	-------	2.25	-------	2.87½	-------	2.87½	-------	3.75	-------	4.75	-------	5.50
23	"Teen age"	-------	1.31¼	-------	1.31¼	-------	1.87½	-------	1.87½	-------	2.50	-------	2.50	-------	3.00	-------	3.75
24	"Girls'"	-------	.75	-------	1.31¼	-------	1.31¼	-------	1.31¼	-------	1.87½	-------	1.87½	-------	2.50	-------	2.50
25	"Children's"	-------	.75	-------	.87½	-------	1.00	-------	1.31¼	-------	1.31¼	-------	1.87½	-------	1.87½	-------	1.87½
26	Blouses (sizes 30 and up)	-------	.68¾	-------	.87½	-------	1.00	-------	1.31¼	-------	1.31¼	-------	1.87½	-------	1.87½	-------	1.87½
	SNOWSUITS																
27	One-piece (sizes 1 to 6)	-------	2.00	-------	2.50	-------	2.75	-------	3.75	-------	3.75	-------	4.75	-------	4.75	-------	5.75
28	Two-piece (sizes 3 to 14)	-------	2.50	-------	3.00	-------	3.75	-------	4.75	-------	4.75	-------	5.75	-------	6.75	-------	7.75
29	Legging sets (sizes 1 to 10)	-------	3.75	-------	3.75	-------	4.75	-------	5.75	-------	6.75	-------	6.75	-------	7.75	-------	8.75
30	Separate leggings (sizes 1 to 10)	-------	1.37½	-------	1.37½	-------	1.75	-------	1.75	-------	2.00	-------	2.00	-------	2.50	-------	2.50
31	Ski pants (sizes 3 to 14)	-------	1.37½	-------	1.37½	-------	1.37½	-------	2.00	-------	2.00	-------	2.25	-------	2.50	-------	3.00

Category No.	Garments	Group I		Group J		Group K		Group L		Group M		Group N		Group O		Group P		Group Q	
		I	II	I	II	I	II	I	II	I	II	I	II	I	II	I	II	I	II
	(COATS)																		
1	"Women's"	-------	16.75	-------	19.75	------	22.75	------	24.75	------	29.75	------	32.75	------	39.75	------	42.75	------	45.00
2	"Misses' " and "jr. misses' "	-------	16.75	-------	19.75	------	22.75	------	24.75	------	29.75	------	32.75	------	39.75	------	42.75	------	45.00
3	"Teen age"	-------	12.75	-------	14.75	------	16.75	------	------	------	------	------	------	------	------	------	------	------	------
4	"Girls' "	-------	10.75	-------	12.75	------	14.75	------	------	------	------	------	------	------	------	------	------	------	------
5	"Children's"	-------	8.75	-------	10.75	------	------	------	------	------	------	------	------	------	------	------	------	------	------
	SUITS																		
6	"Women's"	5.75	16.75	5.75	16.75	6.75	16.75	7.75	18.75	8.75	18.75	10.75	22.75	------	24.75	------	26.75	------	29.75
7	"Misses' " and "jr. misses' "	5.75	16.75	5.75	16.75	6.75	16.75	7.75	18.75	8.75	18.75	10.75	22.75	------	24.75	------	26.75	------	29.75
8	"Teen age"	4.75	9.75	4.75	10.75	------	12.75	------	------	------	------	------	------	------	------	------	------	------	------
9	"Girls' "	3.75	7.75	3.75	8.75	------	10.75	------	------	------	------	------	------	------	------	------	------	------	------
10	"Children's"	3.00	5.75	-------	6.75	------	8.75	------	------	------	------	------	------	------	------	------	------	------	------
	JACKETS																		
11	"Women's"	3.75	7.75	3.75	8.75	3.75	8.75	4.75	8.75	4.75	9.75	5.75	10.75	------	------	------	------	------	------
12	"Misses' " and "jr. misses' "	3.75	7.75	3.75	8.75	3.75	8.75	4.75	8.75	4.75	9.75	5.75	10.75	------	------	------	------	------	------
13	"Teen age"	3.00	5.75	3.00	6.75	------	6.75	------	------	------	------	------	------	------	------	------	------	------	------
14	"Girls' "	2.50	4.75	2.50	5.75	------	5.75	------	------	------	------	------	------	------	------	------	------	------	------
15	"Children's"	2.50	3.75	-------	4.75	------	4.75	------	------	------	------	------	------	------	------	------	------	------	------
	SKIRTS																		
16	"Women's"	2.50	4.75	2.50	4.75	3.00	4.75	3.00	5.75	------	5.75	------	6.75	------	------	------	------	------	------
17	"Misses' " and "jr. misses' "	2.50	4.75	2.50	4.75	3.00	4.75	3.00	5.75	------	5.75	------	6.75	------	------	------	------	------	------
18	"Teen age"	1.87½	3.75	2.50	3.75	------	4.75	------	------	------	------	------	------	------	------	------	------	------	------
19	"Girls' "	1.87½	3.00	1.87½	3.00	------	3.75	------	------	------	------	------	------	------	------	------	------	------	------
20	"Children's"	1.31¼	1.87½	-------	2.00	------	------	------	------	------	------	------	------	------	------	------	------	------	------
	DRESSES																		
21	"Women's"	-------	6.75	-------	7.75	------	8.75	------	10.75	------	12.75	------	14.75	------	16.75	------	19.75	------	------
22	"Misses' " and "jr. misses' "	-------	6.75	-------	7.75	------	8.75	------	10.75	------	12.75	------	14.75	------	16.75	------	19.75	------	------
23	"Teen age"	-------	4.75	-------	4.75	------	5.75	------	6.75	------	------	------	------	------	------	------	------	------	------
24	"Girls' "	-------	3.00	-------	3.75	------	4.75	------	------	------	------	------	------	------	------	------	------	------	------
25	"Children's"	-------	2.50	-------	3.00	------	3.75	------	------	------	------	------	------	------	------	------	------	------	------
26	Blouses (sizes 30 and up)	-------	2.50	-------	2.50	------	3.00	------	3.75	------	3.75	------	4.75	------	------	------	------	------	------
	SNOWSUITS																		
27	One-piece (sizes 1 to 6)	-------	6.75	-------	7.75	------	------	------	------	------	------	------	------	------	------	------	------	------	------
28	Two-piece (sizes 3 to 14)	-------	8.75	-------	9.75	------	10.75	------	------	------	------	------	------	------	------	------	------	------	------
29	Legging sets (sizes 1 to 10)	-------	10.75	-------	12.75	------	14.75	------	------	------	------	------	------	------	------	------	------	------	------
30	Separate leggings (sizes 1 to 10)	-------	3.00	-------	3.75	------	4.75	------	------	------	------	------	------	------	------	------	------	------	------
31	Ski pants (sizes 3 to 14)	-------	3.00	-------	3.50	------	4.00	------	------	------	------	------	------	------	------	------	------	------	------

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13246; Filed, December 12, 1942; 11:53 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 173 Under § 1499.3 (b) of GMPR]

LIVINGSTON WORSTED MILLS, INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.1189 *Maximum prices for Officers' Worsted Uniform Cloth Barathea, sold by Livingston Worsted Mills, Incorporated.* (a) On and after April 8, 1942, The Livingston Worsted Mills, Incorporated, may sell and deliver to any person, and any person may buy or receive from the Livingston Worsted Mills, Incorporated, its fabric #766, a dark olive drab Officers' Worsted Uniform Cloth Barathea, constructed as follows:

Ends per finished inch in the warp	86
Ends per finished inch in the filling	90
Yarn size-warp and filling	2/44s
Grade of wool	64s
Weight	14½ ounces,

at $3.30 per yard, f. o. b., shipping point: *Provided,* That such maximum price shall not apply to any sales or deliveries of such cloth which are subject to the provisions of Maximum Price Regulation No. 157.

(b) This Order No. 173 may be revoked or amended by the Office of Price Administration at any time.

(c) This Order No. 173 (§ 1499.1189) shall be effective as of April 8, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13249; Filed, December 12, 1942; 11:55 a. m.]

*Copies may be obtained from the Office of Price Administration.

PART 1499—COMMODITIES AND SERVICES

[Order 175 Under § 1499.3 (b) of GMPR]

CALIFORNIA CONSERVING CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1191 *Authorization of maximum price for sales of Special Chili Sauce Mix in one gallon glass jugs by California Conserving Company, San Francisco, California.* (a) On and after December 14, 1942, the maximum price for sales by California Conserving Company, 110 Market Street, San Francisco, California, of Special Chili Sauce Mix, packed four one gallon glass jugs to a shipping case shall be $14.86 per dozen jugs delivered to purchasers' stations.

(b) California Conserving Company shall apply to its sales of Special Chili Sauce Mix the same customary discounts, allowances and price differentials applying to its sales of comparable chili sauce items unless a change in these customary discounts, allowances and price differentials shall result in lower selling prices.

(c) This Order No. 175 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 175 (§ 1499.1191) shall become effective December 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13247; Filed, December 12, 1942; 11:55 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 130 Under § 1499.18 (b) of GMPR]

RIEGEL TEXTILE CORPORATION

Order No. 130 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-253.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* *It is ordered:*

§ 1499.1031 *Adjustment of maximum prices for handkerchiefs sold by the Riegel Textile Corporation.* (a) Riegel Textile Corporation, 342 Madison Avenue, New York, New York, as selling agents for Ware Shoals Manufacturing Company, Ware Shoals, South Carolina and The Trion Company, Trion, Georgia, may sell and deliver, and any person may buy and receive from Riegel Textile Corporation, the following handkerchiefs manufactured by the Trion Company, and the Ware Shoals Manufacturing Company, at prices no higher than those set forth below:

Cut size	Hem, inch	Cloth	Stitches (per inch)	Cents per dozen
17 x 17---	1/4	34" 60 x 48-7.10----	10	34½
18 x 17---	1/4	36" 64 x 60-5.25----	10	40
17 x 17---	1/4	34" 64 x 60-6.10----	12	38½
18 x 18---	1/4	36" 68 x 72-5.15----	10	45
12 x 12---	1/10	36" 68 x 72-5.15----	12	23½

(b) The prices set forth in paragraph (a) of this section shall be subject to the same terms and conditions of sale as were granted to purchasers during March, 1942.

(c) *Retail prices.* Retailers may not charge for the handkerchiefs listed in paragraph (a) of this section a price in excess of their maximum price as established under the General Maximum Price Regulation.

(d) Riegel Textile Corporation shall cause the following notice to be sent, in writing, to all wholesalers and retailers who purchase the handkerchiefs listed in paragraph (a) of this section:

The Office of Price Administration has permitted us to raise our maximum prices for sales to you of the following handkerchiefs to the prices set forth below:

Cut size	Hem, inch	Cloth	Stitches (per inch)	Cents per dozen
17 x 17---	1/4	34" 60 x 48-7.10----	10	34½
18 x 18---	1/4	36" 64 x 60-5.25----	10	40
17 x 17---	1/4	34" 64 x 60-6.10----	12	38½
18 x 18---	1/4	36" 68 x 72-5.15----	10	45
12 x 12---	1/10	36" 68 x 72-3.15----	12	23½

This increase represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise maximum prices for sales of these handkerchiefs.

(e) All prayers of the petition not granted herein are denied.

(f) This Order No. 130 is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 130 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 130 (§ 1499.1031) shall become effective December 14, 1942.

(Pub. Laws 421 and 739, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13250; Filed, December 12, 1942; 11:56 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 131 Under § 1499.18 (b) of GMPR]

K. W. JACOBS COOPERAGE CO.

For the reasons set forth in an Opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1032 *Adjustment of maximum prices for certain slack meat barrels manufactured and sold by K. W. Jacobs Cooperage Company.* (a) K. W. Jacobs Cooperage Company, 1907 West St. Paul Avenue, Milwaukee, Wisconsin, may sell and deliver, and any person may buy from said company, the slack meat barrels hereafter specified at prices not higher than the following prices per barrel, delivered:

Single head barrels, plain----------	$0.75
Single head barrels with clasps------	.77½
Double head barrels, plain----------	.84½
Double head barrels with clasps------	.87½

(b) All prayers of the applicant not granted herein are denied.

(c) This Order No. 131 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 131 (§ 1499.1032) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 131 (§1499.1032) shall be effective as of May 11, 1942.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13248; Filed, December 12, 1942; 11:55 a. m.]

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

[RPS 7, Am. 8]

COMBED COTTON YARNS AND THE PROCESSING THEREOF

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1307.1 paragraph (a) is amended and a new paragraph (c) is added as set forth below:

§ 1307.1 *Maximum prices for combed yarns and for mercerizing, bleaching and gassing.* (a) On or after the applicable ceiling date, regardless of terms of any contract of sale or purchase or other commitment (except as provided in paragraph (c) of this section and Appendix A, incorporated herein as § 1307.12), no persons shall sell, offer to sell, deliver, or transfer combed yarn and no person shall buy, offer to buy, accept delivery of combed yarn at a price higher than the applicable maximum price set forth in Appendix A: *Provided,* That the provisions of this Revised Price Schedule No. 7 shall not apply to (1) retail sales of combed yarn and (2) sales or purchases of 2 ply mercerized or gassed grey yarn, Nos. 56/s and above on cheese roller warps imported from England and sold exclusively for use by hosiery manufacturers.

* * * * *

(c) On and after December 18, 1942, the maximum price for 2 ply mercerized imported English combed yarn. Nos. 56/s and above, when sold by a domestic processor to hosiery manufacturers shall be the sum of (1) 102½% of the delivered cost of the imported gassed grey yarn to the mercerizing plant and (2) the applicable premium for mercerizing in § 1307.12 (d) (4) (vi): *Provided, however,* That no hosiery manufacturer will be permitted an increase in his maximum price on the basis of the cost of the yarns referred to herein.

* * * * *

§ 1307.11 *Effective dates of amendments.* * * *

(p) Amendment No. 8 (§ 1307.1 (a) and (c)) to Revised Price Schedule No. 7 shall become effective December 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

*Copies may be obtained from the Office of Price Administration.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13285; Filed, December 12, 1942; 12:33 p. m.]

PART 1340—FUEL

[MPR 120,[1] Amendment 27]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

The period at the end of § 1340.210 (a) (4) of Maximum Price Regulation No. 120 is changed to a semi-colon, and a new clause is added as set forth below:

§ 1340.210 *Maximum price instructions.* (a) * * *

(4) * * * ; and: *Provided further,* That there may also be added by a producer or distributor, to the applicable maximum price established herein, an amount not in excess of the transportation tax imposed by section 620 of the Revenue Act of 1942 if said producer or distributor incurred such tax, and if he separately states the amount of the tax in the sale to his purchaser.

* * * * *

§ 1340.211a *Effective dates of amendments.* * * *

(bb) Amendment No. 27 to Maximum Price Regulation No. 120 shall be effective as of December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13282; Filed, December 12, 1942; 12:33 p. m.]

PART 1340—FUEL

[MPR 189,[2] Amendment 4]

BITUMINOUS COAL SOLD FOR DIRECT USE AS BUNKER FUEL

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of Federal Register.*

A new subparagraph (6) is added to paragraph (a) of § 1340.313 as set forth below:

§ 1340.313 *Appendix A: Maximum prices for bituminous coal for use as bunker fuel.* * * *

(a) * * *

(6) The Maximum price per gross ton for the sale of bituminous coal produced at mines in Districts Nos. 7 and 8, sold for delivery to New York Harbor for bunker fuel use by vessels moving offshore and not in coastwise trade shall be the maximum price established for sales of bituminous coal produced at mines in District No. 1 for such use, in accordance with subparagraphs (1) to (5) of this paragraph (a), *plus* an amount not to exceed the difference between the freight rate on which the particular bituminous coal produced at the Districts Nos. 7 and 8 mines moved, and $2.84.

* * * * *

§ 1340.314a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§ 1340.313 (a) (6)) to Maximum Price Regulation 189 shall be effective December 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13284; Filed, December 12, 1942; 12:33 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[MPR 181, Amendment 2]

NEW-FORMULA CONDENSED SOUPS PACKED UNDER WPB CONSERVATION ORDER M-81

A statement of the considerations involved in the issuance of this Amendment No. 2 to Maximum Price Regulation No. 181[1] has been issued and filed with the Division of the Federal Register.*

A new paragraph (f) is added to § 1341.52, a new paragraph (d) is added to § 1341.53, and §§ 1341.54, 1341.62, and 1341.68 (a) (4) are amended as shown below.

§ 1341.52 *Canner's maximum prices for new-formula condensed soups packed under WPB Conservation Order M-81.* * * *

(f) Any canner who sold any item partly on an f. o. b. factory basis and partly on a delivered basis, during the calendar year 1941, shall separately calculate for the item a maximum price f. o. b. factory and a maximum delivered price. Any canner who sold on a delivered basis by zones shall calculate a separate maximum delivered price for each zone. For the purpose of this paragraph, the canner shall accordingly segregate his 1941 prices for the item when calculating weighted average 1941 prices.

§ 1341.53 *Wholesaler's and retailer's maximum prices for new-formula condensed soups packed under WPB Conservation Order M-81.* * * *

(d) *Fractions of a cent.* When calculating a maximum price, the retailer shall adjust fractions of one-half cent or more to the next higher cent and fractions of less than one-half cent to the next lower cent.

§ 1341.54 *Inability to fix maximum prices under preceding sections.* (a) If the seller's maximum price for any item cannot be determined under §§ 1341.52 and 1341.53, his maximum price shall be the maximum price of the most closely competitive seller.

(b) If the seller's maximum price for any item cannot be determined under §§ 1341.52 and 1341.53 or under paragraph (a) of this section, the maximum price shall be a price determined after specific authorization from the Office of Price Administration, Washington, D. C., on application setting forth (1) a detailed description of the brand, variety and can size; and (2) a statement of the facts which differentiate it from the most similar item for which he has determined a maximum price, identifying the similar item and stating the maximum price determined for it. When authorization is given, it will be accompanied by instructions for determining the maximum price. Within ten days after the price has been determined, the seller shall report it to the Office of Price Administration, Washington, D. C. This price shall be subject to adjustment at any time by the Office of Price Administration.

§ 1341.62 *Marking, posting and filing by retailers; applicability of the marking, posting and filing provisions of the General Maximum Price Regulation.* The marking, posting and filing provisions of § 1499.13 of the General Maximum Price Regulation are applicable to every person selling at retail any canned condensed soup covered by this Maximum Price Regulation No. 181. When used in this section, the term "selling at retail" has the definition given to it by § 1499.20 (o) of the General Maximum Price Regulation.

§ 1341.68 *Definitions.* (a) When used in this Maximum Price Regulation No. 181, the term:

* * * * *

(4) "Price per dozen" shall mean "price per dozen f. o. b. factory" or "delivered price per dozen" according to the seller's customary practice, during the calendar year 1941, of charging for the item being priced.

* * * * *

§ 1341.70 *Effective dates of amendment.* * * *

(b) Amendment No. 2 (§§ 1341.52 (f), 1341.53 (d), 1341.54, 1341.62, 1341.68 (a) (4) and 1341.70 (b)) to Maximum Price

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6896, 7777, 7670, 7914, 7942, 8354, 6850, 8948, 9783.

[2] 7 F.R. 5831, 6684, 8939.

[1] 7 F.R. 5560.

Regulation No. 181 shall become effective December 18, 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13286; Filed, December 12, 1942; 12:34 p. m.]

PART 1346—BUILDING MATERIALS

[MPR 276,[1] Amendment 1]

ASPHALT TILE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The footnotes to Table No. III—Freight Charges, § 1346.315 (d), are amended and a new § 1346.314a is added as set forth below:

§ 1346.315 *Appendix A: Maximum prices for asphalt tile.* * * *

(d) * * *

TABLE NO. III—FREIGHT CHARGES

* * * * *

[1] Freight charge from the nearest shipping point may be added.

[2] Full freight may be added except that when the freight charge from the point of origin of the shipment exceeds the freight charge which would have been charged on an identical shipment from the nearest shipping point the seller shall absorb up to one cent per square foot of the difference between the two charges.

[3] Full freight may be added except that when the freight charge from the point of origin of the shipment exceeds the freight charge which would have been charged on an identical shipment from the nearest shipping point the seller shall absorb up to two cents per square foot of the difference between the two charges.

[4] Full freight may be added except that when the freight charge from the point of origin of the shipment exceeds the freight charge which would have been charged on an identical shipment from the nearest shipping point the seller shall absorb up to the following differences between the two charges: ¾¢ per square foot for ⅛" tile, 1¢ per square foot for 3/16" tile, 1½¢ per square foot for ¼" tile, and 2¢ per square foot for ⅜" tile.

[5] Full freight may be added.

Shipping points: New York, N. Y., Lincoln, N. J., Manville, N. J., Lancaster, Pa., Chicago, Ill., Waukegan, Ill., Houston, Texas, and Southgate, Calif.

§ 1346.314a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1346.314a and 1346.315 (d)) to Maximum Price Regulation No. 276 shall be effective as of December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13283; Filed, December 12, 1942; 12:33 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 10009.

PART 1351—FOOD AND FOOD PRODUCTS

[RPS 50, Amendment 4]

GREEN COFFEE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subdivision (ii) of § 1351.1 (b) (1) and paragraph (g) of § 1351.1 are amended, all to read as set forth below:

§ 1351.1 *Maximum Prices for Green Coffee.* * * *

(b) The maximum prices shall include all commissions and all other charges except that (1) * * *

(ii) *Special lots of green coffee for which an onboard bill of lading was signed after 12:01 A. M. July 2, 1942.* Increases in the charges prevailing prior to the opening of business on December 8, 1941, for ocean freight, war risk insurance, and marine insurance may not be added to the maximum prices for green coffee, except that increases in said charges may be added to the maximum prices in the case of (*a*) sales directly to the War Department of the United States of America or (*b*) sales of coffee which have been imported pursuant to authorization of War Production Board, under General Import Order M-63, for delivery to a holder of a War or Navy Department purchasing order for the purpose of filling such order.

* * * * *

(g) Any person making sales of green coffee in lots of five to twenty-five bags inclusive may add to the maximum prices specified above, an amount not in excess of 3% of the specific maximum prices established in paragraph (c) hereof; any person making sales of green coffee in lots of four bags or less may add to the maximum price specified above an amount not in excess of 7½% of the specific maximum prices established by paragraph (c) hereof.

* * * * *

§ 1351.9 *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§ 1351.1 (b) (ii) and § 1351.1 (g)) to Revised Price Schedule No. 50 shall become effective December 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13273; Filed, December 12, 1942; 12:30 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RPS 53, Amendment 16,[1] Correction]

FATS AND OILS

In § 1351.151 (b) (11) (ii) the maximum price of "14.41," given for deodorized and bleached soybean oil at New York, New York, is corrected to read "13.41."

§ 1351.159 *Effective dates of amendments.* * * *

(u) Correction (§ 1351.151 (b) (11) (ii)) to Amendment No. 16 of Revised Price Schedule No. 53 shall become effective December 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13272; Filed, December 12, 1942; 12:31 p. m.]

[1] 7 F.R. 9189.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 255, Amendment 1]

PERMITTED INCREASE FOR WHOLESALERS OF CERTAIN FOODS

Canned fruits, berries and juices as listed.
Frozen fruits, berries and vegetables.
Fruit preserves, jams and jellies.
Apple butter.
Canned shrimp.
Domestic canned crabmeat.
Canned apples.
Apple sauce.
Apple juice.
Vinegar cured herring.
Canned boned chicken and turkey.
Maple sugar.
Blended maple syrup.
Fountain fruits.
Egg noodles.
Tamales.
Tortillas.
Potato chips.
Raisin filled or topped biscuits and crackers.
Fig bars.
Bakers' fillings for fruit pie and pastry.
Peanut candy.
Honey (extracted).

The title is amended, as set forth above, Subparagraphs (7) to (23), inclusive, are added to § 1351.703 (d), § 1351.717 is added, and paragraph (a) of § 1351.705 is amended; all to read as set forth below.

§ 1351.703 *Wholesaler's maximum prices for certain listed foods.* * * *

(d) This regulation shall apply to these products: * * *

(7) Canned apples, using February 1942 as the base month.

(8) Apple sauce, packed in metal or glass, using February 1942 as the base month.

(9) Apple juice, packed in metal, glass or wood, using February 1942 as the base month.

(10) Vinegar cured herring, using January 1942 as the base month.

(11) Canned boned chicken and canned boned turkey, using March 1942 as the base month.

(12) Maple sugar, using March 1942 as the base month.

(13) Blended maple syrup, using March 1942 as the base month.

(14) Fountain fruits, using March 1942 as the base month.

(15) Egg noodles, using March 1942 as the base month.

(16) Tamales, using March 1942 as the base month.

(17) Tortillas, using March 1942 as the base month.

(18) Potato chips, using March 1942 as the base month.

(19) Raisin filled or topped biscuits and crackers, using March 1942 as the base month.

(20) Fig bars, using March 1942 as the base month.

(21) Bakers' fillings for fruit pie and pastry, using March 1942 as the base month.

(22) Peanut candy, using March 1942 as the base month.

(23) Extracted honey packed in containers of a capacity of ten pounds or less, using February 1942 as the base month.

* * * * *

§ 1351.705 *When maximum prices may be established or changed under § 1351.703*—(a) *What must be done before a maximum price may be established.* No wholesaler may establish a maximum price for any item under § 1351.703 until he has received delivery of a customary amount of the item after this Maximum Price Regulation No. 255 has become applicable to it. To this extent the regulation shall be considered as having been in effect since August 5, 1942, for canned fruits, berries and juices; August 28, 1942, for frozen fruits, berries and vegetables; September 24, 1942, for canned shrimp; September 26, 1942, for fruit preserves, jams and jellies; October 1, 1942, for apple butter; October 5, 1942, for canned apples, apple sauce, and apple juice; October 30, 1942, for domestic canned crabmeat.

* * * * *

§ 1351.717 *Effective dates of amendments.* (a) Amendment No. 1 (title and §§ 1351.703 (d), 1351.705 (a), and 1351.717) to Maximum Price Regulation No. 255 shall become effective December 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13269; Filed, December 12, 1942; 12:31 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 255, Amendment 2]

PERMITTED INCREASES FOR WHOLESALERS OF CERTAIN FOODS

Canned fruits, berries and juices, as listed.
Frozen fruits, berries and vegetables.
Fruit preserves, jams and jellies.
Apple butter.
Canned shrimp.
Domestic canned crabmeat.
Canned apples.
Apple sauce.
Apple juice.
Vinegar cured herring.
Canned boned chicken and turkey.
Maple sugar.
Blended maple syrup.
Fountain fruits.
Egg noodles.
Tamales.
Tortillas.
Potato chips.
Raisin filled or topped biscuits and crackers.
Fig bars.
Bakers' fillings for fruit pie and pastry.
Peanut candy.
Honey (extracted).

A statement of the considerations involved in the issuance of Amendment No. 2 to Maximum Price Regulation No. 255 has been issued and filed with the Division of the Federal Register.*

Section 1351.703 (b) is amended and two new paragraphs (e) and (f) are added, all to read as set forth below.

§ 1351.703 *Wholesaler's maximum price for certain listed foods.* * * *

(b) "Base price" means the wholesaler's maximum price as calculated under § 2 of the General Maximum Price Regulation, except that for the purposes of this calculation the wholesaler shall substitute the base month named with the food product in paragraph (d) for the words "March 1942" wherever they appear in that section. With this qualification, the wholesaler shall use every pricing method provided by § 2 of the General Maximum Price Regulation which may be necessary to establish a base price for the item.

* * * * *

(e) *Maximum prices for new container types and sizes for which the wholesaler has received no permitted increase or cannot calculate a base price.* (1) If only a new container type is involved, that is, if the wholesaler sold the same kind, style, flavor, brand, and size, but only in other container types during the base period named in paragraph (d), he shall select from that kind, style, flavor, brand, and size the most closely comparable container type for which he is able to calculate a maximum price either under this Regulation or under § 2 of the General Maximum Price Regulation (even though he no longer sells that container type). He shall then add to the current delivered cost of the container type being priced the same dollars and cents markup which he added to the delivered cost of the container type selected (all per dozen or other customary wholesale selling unit). The resulting figure shall be the wholesaler's maximum price for the item.

(2) If only a new size is involved, that is, if the wholesaler sold the same kind, style, flavor, brand, and container type, but only in other sizes, during the base period named in paragraph (d), he shall select from that kind, style, flavor, brand and container type the nearest size for which he is able to calculate a maximum price either under this regulation or under section 2 of the General Maximum Price Regulation and which is one-third or less larger or, if there is no such size, one-third or less smaller (even though he no longer sells that size). He shall then add to the current delivered cost of the size being priced the same dollars and cents markup which he added to the delivered cost of the size selected (all per dozen or other customary wholesale selling unit). The resulting figure shall be the wholesaler's maximum price for the item.

(3) If both a new container type and a new size are involved, that is, if the wholesaler sold the same kind, style, flavor, and brand, but only in other container types and sizes, during the base period named in paragraph (d), he shall first select from that kind, style, flavor, and brand the most closely comparable container type for which he is able to calculate a maximum price either under this regulation or under § 1499.2 of the General Maximum Price Regulation (even though he no longer sells that container type), and from that container type he shall select the nearest size which is one-third or less larger or, if there is no such size, one-half or less smaller (even though he no longer sells that size). If there is no smaller size, he shall go to the next most closely comparable container type and proceed in the same manner to find a base container type and size. He shall then add to the current delivered cost of the container type and size being priced the same dollars and cents markup which he added to the delivered cost of the container type and size selected (all per dozen or other customary wholesale selling unit). The resulting figure shall be the wholesaler's maximum price for the item.

(f) *Maximum prices for items for which the wholesaler cannot otherwise calculate maximum prices.* If the wholesaler is unable to calculate a maximum price for a new item under the preceding paragraphs, he shall (1) select from the same general classification and price range as the item being priced the most closely comparable item for which a maximum price is established under any regulation; (2) divide his current selling price for that item by its actual cost, delivered to him; and (3) multiply the figure so obtained by the current cost, delivered to him, of the item being priced (all per dozen or other customary wholesale selling unit). The resulting figure shall be the wholesaler's maximum price for the item.

§ 1351.717 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1351.703 (b), (e), and (f), and 1351.717 (b)) to Maximum Price Regulation No. 255 shall become effective December 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13270; Filed, December 12, 1942; 12:31 p. m.]

*Copies may be obtained from the Office of Price Administration.

PART 1351—FOOD AND FOOD PRODUCTS

[Revised MPR 256]

PERMITTED INCREASES FOR RETAILERS OF CERTAIN FOODS

Canned fruits, berries and juices, as listed.
Frozen fruits, berries and vegetables.

Fruit preserves, jams and jellies.
Apple butter.
Canned shrimp.
Domestic canned crabmeat.
Canned apples.
Apple sauce.
Apple juice.
Vinegar cured herring.
Canned boned chicken and turkey.
Maple sugar.
Blended maple syrup.
Fountain fruits.
Egg noodles.
Tamales.
Tortillas.
Potato chips.
Raisin filled or topped biscuits and crackers.
Fig bars.
Peanut candy.
Honey (extracted).

The title and preamble are amended and §§ 1351.851 to 1351.865, inclusive, of Maximum Price Regulation No. 256 are amended, redesignated and renumbered, as here set forth:

This Revised Maximum Price Regulation No. 256 is issued by the Price Administrator in order to establish maximum retail prices for certain food products at levels which are generally fair and equitable and which will aid in stabilizing the cost of living. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Revised Maximum Price Regulation No. 256 is hereby issued.

Sec.

AUTHORITY: §§ 1351.201 to 1351.215, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1351.201 *Purposes of Revised Maximum Price Regulation No. 256.* Revised Maximum Price Regulation No. 256 is issued for the purpose of establishing retail prices for the commodities which are listed in § 1351.203. Higher retail prices have been necessary because of upward price adjustments which various maximum price regulations have made at the processing and wholesale levels. In some cases the necessary retail adjustments have already been made in separate commodity regulations. By including such adjustments, this regulation covers in unified form all retail food adjustments of the "permitted increase" type, that is, adjustments in which retailers, by modifying their prices under the General Maximum Price Regulation,[1] are permitted to take account of the individual price increases which have already been allowed to processors and wholesalers and of which the processors or wholesalers are required to give them written notice.

In the case of certain items of these commodities which are either being made and distributed for the first time or are new to the particular retailer, maximum prices will sometimes be lacking for want of a "permitted increase" or a March 1942 base price. These items are specially priced under a supplementary pricing method which is designed to cover all cases where the permitted increase method of pricing fails to give a maximum price.

§ 1351.202 *Prohibition against selling and buying above maximum prices.* (a) On and after December 18, 1942, regardless of any contract or obligation, no retailer shall sell or deliver an item of any food product at a price higher than the maximum price established for it by this Revised Maximum Price Regulation No. 256. No person shall buy or receive an item of any food product from a retailer in the course of trade or business at a price higher than the maximum price established for it by this regulation. Nor shall any person agree, offer, solicit or attempt to do any of these things.

(b) However, prices lower than maximum prices may be charged and paid.

§ 1351.203 *Retailer's maximum prices for certain listed foods*—(a) *Maximum price rule.* For each item of the food products listed in paragraph (b) the retailer's maximum price to any class of purchasers shall be (1) his maximum price under § 2 of the General Maximum Price Regulation, plus (2) the amount reported by his supplier or by the manufacturer or producer as his "permitted increase" (all per retail container).

(b) This method of calculating the retailer's maximum prices shall apply to these products:

(1) Canned fruits, berries and juices, whether packed in tin, glass or any other hermetically sealed container, as follows:

Fruits

Apricots.
Cherries, red sour pitted.
Cherries, sweet.
Figs.
Fruit cocktail.
Fruits for salad.
Peaches, clingstone (including clingstone nectarines).
Peaches, freestone (including freestone nectarines).
Pears.
Hawaiian pineapples.
Plums.
Prunes, fresh.

Berries

Blackberries.
Blueberries.
Boysenberries.
Cranberries.
Gooseberries.
Huckleberries.
Loganberries.
Raspberries, black.
Raspberries, red.
Strawberries.
Youngberries.

Juices

Fruit juices and nectars, plain or mixed, made from any of the fruits listed in this subparagraph.

Berry juices made from any of the berries listed in this subparagraph.

(2) Frozen fruits, berries and vegetables.
(3) Fruit preserves, jams and jellies.
(4) Apple butter.
(5) Canned shrimp.
(6) Domestic canned crabmeat, No. ½ flats.
(7) Canned apples.
(8) Apple sauce.
(9) Apple juice.
(10) Vinegar cured herring.
(11) Canned boned chicken and turkey.
(12) Maple sugar.
(13) Blended maple syrup.
(14) Fountain fruits.
(15) Egg noodles.
(16) Tamales.
(17) Tortillas.
(18) Potato chips.
(19) Raisin filled or topped biscuits and crackers.
(20) Fig bars.
(21) Peanut candy.
(22) Extracted honey packed in containers of a capacity of ten pounds or less.

(c) *Maximum prices for items for which the retailer cannot otherwise calculate maximum prices.* If the retailer is unable to calculate a maximum price under paragraph (a) for any new item covered by this regulation (for example, canned pears packed for the first time in glass), he shall (1) select from the same general classification and price range as the item being priced the most closely comparable item for which a maximum price is established under any regulation; (2) divide his current selling price for that item by its actual cost, delivered to him; and (3) multiply the figure so obtained by the current cost, delivered to him, of the item being priced. The resulting figure shall be the retailer's maximum price for the item.

§ 1351.204 *Customary allowances and discounts.* No retailer shall change any customary allowance, discount, or other price differential to a class of purchasers if the change results in a higher net price to that class of purchasers.

§ 1351.205 *When maximum prices may be established or changed under § 1351.203*—(a) *What must be done before a maximum price may be estab-*

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616.

lished. No retailer may establish a maximum price for any item under § 1351.203 until he has received delivery of a customary amount of the item after this Revised Maximum Price Regulation No. 256 has become applicable to it. To this extent the regulation shall be considered as having been in effect since August 5, 1942, for canned fruits, berries and juices; August 28, 1942, for frozen fruits, berries and vegetables; September 24, 1942, for canned shrimp; September 26, 1942, for fruit preserves, jams and jellies; October 1, 1942, for apple butter; October 5, 1942, for canned apples, apple sauce, and apple juice; October 30, 1942, for domestic canned crabmeat.

(b) *When a maximum price is established.* On and after December 18, 1942, a maximum price becomes "established" (that is, fixed) for any retailer as soon as he has disclosed a price for the item to any prospective customer, whether by sale, delivery, offer or notice of any kind. A maximum price may be established only once and having been established it may not be changed except with the written permission of the appropriate field office of the Office of Price Administration in cases of clerical error or other formal mistake.

(c) *What price becomes established as the maximum price.* The price which is established in this way as the retailer's maximum price is the one which he filed or disclosed. In most cases the maximum price so established will be the price which the retailer computed under § 1351.203. However, in some instances the retailer may want to disclose a lower price than the one which he computed and at the same time save his right to sell at the higher figure. He can establish the higher price as his ceiling price at the time of disclosure only by recording and naming it as such, in ink on his books, before he discloses the lower price.

§ 1351.206 *Evasion.* The price limitations set forth in this Revised Maximum Price Regulation No. 256 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any of the commodities covered by this regulation, alone or in conjunction with any other commodity or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1351.207 *Enforcement.* Any person violating a provision of this Revised Maximum Price Regulation No. 256, is subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided by the Emergency Price Control Act of 1942.

§ 1351.208 *Reports of retailers.* If the maximum price established for any cost-of-living item under this Revised Maximum Price Regulation No. 256 is different from the maximum price previously established for it, the retailer shall prepare a written statement showing for the item and each class of purchaser (1) his maximum price under § 2 of the General Maximum Price Regulation, (2) his permitted increase, and (3) his maximum price under this regulation; and he shall file the statement with the appropriate war price and rationing board by the 10th of the month following his first sale of the item subject to this regulation. The statement shall be in the following form:

STATEMENT OF RETAILER'S MAXIMUM PRICES UNDER REVISED MAXIMUM PRICE REGULATION NO. 256

[Cost-of-Living Commodities]

Name of retailer: _____

Address: _____

Item						G. M. P. R. price	Permitted increase	New maximum price
Kind	Style of pack, or flavor	Grade	Brand	Container type	Size			

The retailer shall include as part of the statement an attached list of all discounts, allowances, territorial differentials and any other price differentials customarily charged by him. The retailer shall keep a true copy of each statement for examination by any person during ordinary business hours.

§1351.209 *Applicability of the General Maximum Price Regulation and other maximum price regulations.* (a) The General Maximum Price Regulation and other maximum price regulations superseded by this Revised Maximum Price Regulation No. 256 shall continue to apply to all sales and deliveries of any item of a commodity covered by this regulation until the retailer has established a maximum price for it under §§1351.203 and 1351.205.

(b) The following sections of the General Maximum Price Regulation, as well as amendments to them, shall be applicable to every person selling at retail any commodity listed in §1351.203:

(1) Retailers operating more than one retail establishment (§1499.4a).
(2) Special deals (§1499.4b).
(3) Transfers of business or stock in trade (§ 1499.5).
(4) Federal and state taxes (§ 1499.7).
(5) Base-period records (§ 1499.11).
(6) Current records (§ 1499.12).
(7) Cost-of-living commodities: statement, marking or posting; (§ 1499.13); and Appendix B.
(8) Sales slips and receipts (§ 1499.14).
(9) Registration (§ 1499.15).
(10) Licensing (§ 1499.16).
(11) Adjustment of maximum prices (§ 1499.18 (a)).
(12) Definitions (§ 1499.20).

§ 1351.210 *Petitions for amendment.* Any person seeking a modification of this Revised Maximum Price Regulation No. 256 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[2] and amendments, issued by the Office of Price Administration.

§ 1351.211 *Applicability.* The provisions of this Revised Maximum Price Regulation No. 256 shall be applicable only to the forty-eight states of the United States and the District of Columbia.

§ 1351.212 *Export sales.* The maximum prices at which a person may export any commodity covered by this Regulation shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[3] issued by the Office of Price Administration.

§ 1351.213 *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 256 the term:

(1) "Retailer" means any purchaser of a food product for resale who, without substantially changing its form, resells the food product to an ultimate consumer other than an industrial, institutional or commercial user.

(2) "Item" means any kind, style or type of pack, flavor, grade, brand, container type and size.

(b) Unless the context requires otherwise, the definitions of section 302 of Emergency Price Control Act of 1942 shall apply to other terms used in this regulation.

[2] 7 F.R. 8961.
[3] 7 F.R. 5059, 7242, 8829, 9000.

§ 1351.214 *Revocation of superseded regulations.* To the extent shown, the following Maximum Price Regulations and provisions of Supplementary Regulation 14 to the General Maximum Price Regulation are hereby revoked and superseded: Maximum Price Regulation No. 197[4] (except as it applies to canned Cuban pineapple and canned Cuban pineapple juice); Maximum Price Regulation No. 212;[5] Maximum Price Regulation No. 247[6] (except as it applies to canners of domestic canned crabmeat; § 1499.73 (a) (26) of Supplementary Regulation 14[7] (except as it applies to canners of canned shrimp).

§ 1351.215 *Effective date.* This Revised Maximum Price Regulation No. 256 (§§ 1351.201 to 1351.215 inclusive) shall become effective December 18, 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13268; Filed, December 12, 1942; 12:34 p. m.]

PART 1358—TOBACCOS

[MPR 260,[1] Amendment 2]

CIGARS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new § 1358.118 is added and a new paragraph (b) is added to § 1358.115a as set forth below.

§ 1358.118 *Adjustments for wage increases authorized by National War Labor Board Order of Approval dated December 8, 1942 in docket number BWA 26.* (a) Each manufacturer of cigars listed in paragraph (f) may increase the manufacturers' and wholesalers' maximum net price established under this Maximum Price Regulation No. 260 for a particular brand or size of cigars by an amount not in excess of the increase in the direct labor costs for such brand or size paid in compliance with said order of approval. Direct labor costs shall be the wages paid to hand cigar makers, strippers, and packers.

(b) Each manufacturer increasing his manufacturers' and wholesalers' maximum net price pursuant to paragraph (a) shall, within ten days thereafter, file with the Office of Price Administration (Tobacco Section) Washington, D. C. a written report setting forth for each affected brand or size of cigars the following:

(1) The March 1942 manufacturers' and wholesalers' list price.

(2) The manufacturers' and wholesalers' maximum list price established under this Maximum Price Regulation No. 260 prior to the increase pursuant to paragraph (a).

(3) The manufacturers' and wholesalers' maximum list price adjusted pursuant to paragraph (a).

(4) The manufacturers' direct labor costs per 1,000 cigars immediately prior and subsequent to the effective date of said order of approval. In reporting direct labor costs, the manufacturer shall itemize separately wages paid to hand cigar makers, strippers and packers.

(c) No retailer may increase his maximum retail price established under this Maximum Price Regulation No. 260 for any brand or size of cigars the manufacturers' and wholesalers' maximum list price of which has been adjusted pursuant to paragraph (a).

(d) *Notification.* On or before his first delivery of cigars of any brand or size, the manufacturers' and wholesalers' maximum list price of which has been adjusted pursuant to paragraph (a), each manufacturer and wholesaler shall notify each purchaser of the exact amount of his maximum list price and of the exact amount of the maximum retail price of the particular brand or size of cigars in question. Such notification shall be accomplished by a written statement as follows:

On our brand (described cigars) the Office of Price Administration, by Amendment No. 2 to Maximum Price Regulation No. 260, has authorized us to establish new manufacturers' and wholesalers' maximum list prices. Our previous maximum list price under Maximum Price Regulation No. 260 was $_____ per thousand. Our new maximum list price under Amendment No. 2 to Maximum Price Regulation No. 260 is $_____ per thousand. The maximum retail prices heretofore established for this brand under Maximum Price Regulation No. 260 shall *not* be changed. All customary discounts and allowances in effect in March 1942 on your purchases will not be lowered. All packing differentials allowed heretofore will not be lowered and all packing differentials charged heretofore will not be increased. Wholesalers receiving this notice are required to give similar notice to each purchaser to whom they sell or deliver any of this brand of cigars at or before their first delivery to such purchaser. The Office of Price Administration requires you to keep this notification for examination.

(e) Any increase of a manufacturer's and wholesaler's maximum net price for any brand or size of cigars made pursuant to said paragraph (a) shall be subject to modification by the Office of Price Administration or any duly authorized officer thereof at any time.

(f) The provisions of this § 1358.118 shall apply to the following manufacturers:

1. Belleair Cigar Co. Inc., Hartford, Connecticut.
2. Estate of Peter Gabler, Trumbull, Connecticut.
3. F. D. Grave & Son, New Haven, Connecticut.
4. James J. Hennessy Co., Waterbury, Connecticut.
5. A. Kafka & Co., New Haven, Connecticut.
6. Lewis Osterweis & Sons, New Haven, Connecticut.
7. Stremlau Bros., Meridian, Connecticut.
8. Leischke & Pletcher, Hartford, Connecticut.
9. Alexander Varanelli, Waterbury, Connecticut.
10. Arthur Waegemans Cigar Manufacturing Co., Bridgeport, Connecticut.
11. E. Waegemans & Sons Inc., Bridgeport, Connecticut.

§ 1358.115a *Effective dates of amendments.* * * *

(b) Amendment No. 2 to Maximum Price Regulation No. 260 (§§ 1358.115a (b) and 1358.118) shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13274; Filed, December 12, 1942; 12:34 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280,[1] Amendment 2]

MAXIMUM PRICES FOR SPECIFIC FOOD PRODUCTS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new § 1351.805a is added, as set forth below:

§ 1351.805a *Determination of adjusted maximum prices for fluid cream sold at wholesale other than in glass or paper containers after butterfat content is reduced to comply with Conservation Order No. M-259,[2] issued by the War Production Board on November 25, 1942.* (a) (1) After the butterfat content of fluid cream sold at wholesale other than in glass or paper containers is reduced to not less than 19%, the seller shall reduce his established maximum price for any unit size, as determined under §§ 1351.803, 1351.804, and 1351.805 hereof, proportionately on the basis of 5¢ per gallon for each one percent that the butterfat content is reduced.

(2) *Table: Adjusted maximum prices where butterfat content is reduced to 19%:*

Butterfat content prior to reduction:	*Seller must subtract from established maximum price for any unit size on basis of following amounts per gallon*
40%	$1.05
39%	1.00
38%	.95
37%	.90
36%	.85
35%	.80
34%	.75
33%	.70
32%	.65
31%	.60
30%	.55
29%	.50
28%	.45
27%	.40
26%	.35
25%	.30
24%	.25
23%	.20
22%	.15
21%	.10
20%	.05

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8997.
[4] 7 F.R. 5989, 7403, 7738, 8944, 8948.
[5] 7 F.R. 6831, 7173, 8948.
[6] 7 F.R. 8653, 8948.
[7] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 8237, 7946, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9391, 9495, 9496, 9639, 9786, 9900, 9901, 10069, 10111, 10022, 10151.

[1] 7 F.R. 10144.
[2] 7 F.R. 9811.

(b) *Calculations.* (1) The foregoing pricing formula shall apply to sales and deliveries of fluid cream at wholesale other than in paper or glass containers in any package size, whether more or less than one gallon, on a proportionate basis. All calculations shall be carried to the fourth decimal place of a cent. Any final calculation of a maximum price for any unit size resulting in a fraction of a cent shall be adjusted to the nearest half cent.

Example

Butterfat content prior to reduction	Gallon-size container—seller must subtract from established maximum price	Quart-size container—seller must subtract from established maximum price	Pint-size container—seller must subtract from established maximum price	Half-pint-size container—seller must subtract from established maximum price
40%----------	$1.05	$0.2625	$0.1318	$0.0659
30%----------	.55	.1725	.0863	.0431
20%----------	.05	.0125	.0067	.0033

(2) If the seller has established maximum prices, as determined by §§ 1351.803, 1351.804, and 1351.805 hereof, for sales and deliveries of fluid cream having different percentages of butterfat content, his adjusted maximum price shall be determined according to the pricing formula applicable to the class of cream yielding the lowest maximum price.

(c) *Records and reports.* On or before January 11, 1943, each seller of fluid cream affected by the provisions of this section shall prepare, on the basis of available information and records, and file with the nearest District or State Office of the Office of Price Administration a report showing:

(1) His adjusted maximum prices for fluid cream in each size and type of container; and

(2) The basis for the adjusted maximum prices, including (i) the butterfat content of the fluid cream sold in each size and type of container prior to November 25, 1942, (ii) the established maximum prices in effect immediately prior to the issuance of Conservation Order M-259 by the War Production Board on November 25, 1942, and (iii) the present butterfat content of such cream for each size and type of container.

§ 1351.821 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1351.805a) to Maximum Price Regulation No. 280 shall become effective December 12, 1942.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued and effective this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13278; Filed, December 12, 1942; 12:35 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[MPR 252, Amendment 1]

VINEGAR CURED HERRING

A statement of the considerations involved in the issuance of Amendment No. 1 to Maximum Price Regulation No. 252 [7 F.R. 8875] has been issued and filed with the Division of the Federal Register.*

Sections 1364.308a and 1364.314 are added as set forth below:

§ 1364.308a *Information which final processors must give their customers—*(a) *Notice from final processors to wholesalers.* In the case of any item of vinegar cured herring, which is being sold by a final processor to a wholesaler for the first time after December 17, 1942 and after the final processor's maximum price for it has been established under § 1364.303, the final processor shall send the wholesaler (before or at the time of delivery) a written statement which lists for each such item included in the sale (1) the weighted average price charged by the final processor between September 15, 1941, and January 1, 1942, called the "base price," (2) the final processor's maximum price, as calculated under the provisions of this regulation, called the "maximum price," and (3) the amount of the difference between the "base price" and the "maximum price", called the "wholesaler's permitted increase." When calculating the "wholesaler's permitted increase", the final processor shall adjust any fraction of a unit to the nearest fractional unit in which the wholesaler customarily quotes prices for the item.

(b) *Notice from final processors to retailers—*(1) *General package requirement.* Every final processor who sells any item of vinegar cured herring, during the 90-day period, beginning December 18, 1942, whether to a wholesaler or a retailer, shall include with the shipping case (or other package unit in which the retailer usually purchases the product) a "Notice of Retailer's Permitted Increase." This notice must be either pasted or stamped on the outside of each shipping case sold or printed on a slip and enclosed. In the latter case the final processor shall place this statement on the outside: "Retailer's notice enclosed." The final processor shall calculate the retailer's permitted increase for the item by reducing the permitted increase which he computed for the wholesaler under paragraph (a), where necessary, to the units in which the commodity is usually sold at retail. When making this calculation, the final processor shall adjust fractions of one-half cent or more to the next higher cent and fractions of less than one-half cent to the next lower cent. Except for the proper insertion, a Notice of Retailer's Permitted Increase shall read as follows:

Notice of Retailer's Permitted Increase

Your new OPA ceiling price for the enclosed item is your March ceiling price plus ------ cents per retail item. OPA requires you to keep this information for examination.

(2) *First sales directly to retailers: where notices do not accompany packages.* In the case of any item of vinegar cured herring which is being sold by a final processor to any retailer for the first time after December 17, 1942 and after the final processor's maximum price for it has been established under § 1364.303 and which for any reason is being sold in a form which does not include a packer's Notice of Retailer's Permitted Increase, the final processor shall send the retailer (before or at the time of delivery) a written statement that (i) clearly identifies each such item included in the sale, (ii) states the "permitted increase" for it which the retailer is directed to add to his maximum price as established under the General Maximum Price Regulation. When preparing the statement the packer shall calculate the retailer's permitted increase for the item by reducing the permitted increase which he computed for the wholesaler under paragraph (a), where necessary, to the units in which the commodity is usually sold at retail. When making this calculation, the final processor shall adjust fractions of one-half cent or more to the next higher cent and fractions of less than one-half cent to the next lower cent. Each statement shall be accompanied by this notice:

Your new OPA ceiling price for each item noted in your March ceiling plus the permitted increase shown per retail container. OPA requires you to keep this information for examination.

This statement may also contain information for any other vinegar cured herring items covered by this regulation even though they are not included in the sale.

§ 1364.314 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1364.308a and 1364.314) to Maximum Price Regulation No. 252 shall become effective on December 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13271; Filed, December 12, 1942; 12:30 p. m.]

*Copies may be obtained from the Office of Price Administration.

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[MPR 284]

WESTERN PRIMARY FOREST PRODUCTS

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for sales of Western primary forest products by a specific maximum price regulation. This commodity designation embraces mine pit posts and stulls; mine ties, timbers, blocks, cross bars, caps, lagging, and wedges; railroad cross ties and switch ties; and Lodgepole pine poles produced in a defined area of the West. The Price Administrator has ascertained and given due consideration to the prices of Western primary forest products prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industries which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been prepared, issued simultaneously herewith, and has been filed with the Division of the Federal Register.* Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1 [7 F.R. 8961], issued by the Office of Price Administration, Maximum Price Regulation No. 284 is hereby issued.

Sec.

AUTHORITY: §§ 1426.151 to 1426.162, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1426.151 *Sales of Western primary forest products at higher than maximum prices prohibited.* (a) On and after December 18, 1942, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any Western primary forest products at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

(b) If Western primary forest products have been received before December 18, 1942, by a carrier, other than one owned or controlled by the seller, for shipment to a buyer, such shipments are not subject to this regulation. Shipments of that kind remain subject to the appropriate regulation applying at the time any such shipments were turned over to the carrier, whether the General Maximum Price Regulation,[2] Maximum Price Regulation 216 (Railroad Ties),[3] or any other applicable maximum price regulation.

(c) Prices lower than the maximum prices may, of course, be charged and paid.

§ 1426.152 *Products and persons covered by this regulation*—(a) *Products covered by this regulation.* The term "Western primary forest products" is used to describe the following products covered by this regulation:

(1) Western mine pit posts and stulls, whether peeled or unpeeled and whether processed or unprocessed. This takes the place of any previous interpretation concerning the exemption of unpeeled and unprocessed mine materials under the General Maximum Price Regulation. That exemption no longer applies for any materials subject to this regulation;

(2) Western mine ties, timbers, blocks, cross bars, caps, lagging, and wedges;

(3) Western railroad cross ties and switch ties. Maximum Price Regulation 216, Railroad Ties, no longer applies to ties produced in the area described below; and

(4) Lodgepole pine poles;

when, and only when, these products are produced at any point in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, South Dakota, Utah, and Wyoming; those parts of Oregon and Washington lying east of the crest of the Cascade Mountains; Cimarron, Texas, and Beaver Counties, Oklahoma; and those counties in Texas west of the east line of Lispcomb, Hemphill, Wheeler, Collingsworth, Childress, Cottle, King, Stonewall, Fisher, Nolan, Coke, Tom Green, Schleicher, Sutton, Edwards, Kinney, and Maverick Counties.

Products not named above or, if named above but not produced within the territory specified, remain subject to the General Maximum Price Regulation, Maximum Price Regulation 216—Railroad Ties, or any other applicable maximum price regulation.

Western primary forest products include any of the products listed above of all sizes and species, except Redwood species (Sequoia semper virens), which are used in the operation of mines, railroads, communication systems, industrial plants, and similar enterprises.

Western mine materials, railroad ties, and poles of the Redwood species (Sequoia sempervirens) are subject to Maximum Price Regulation 253[4] or the General Maximum Price Regulation, whichever is applicable, and those produced in those parts of Oregon and Washington west of the Cascade Mountains are subject to Maximum Price Regulation 26.[5]

(b) *Persons covered by this regulation.* (1) Any person who makes the kind of sale or purchase covered by this regulation is subject to it. The term "person" includes: an individual, corporation, partnership, association, or any other organized group; their legal successors or representatives; the United States, or any government, or any of its political subdivisions; or any agency of the foregoing.

(2) The term "tie contractor" is used in this regulation to describe a person who, prior to October 1, 1942, was engaged in the business of supplying Western railroad cross ties to ultimate users of such ties, such as railroads, street railways, industrial plants mantaining track facilities, or to contractors engaged in building or maintaining track for war projects and who can meet the following specific requirements:

(i) He must have maintained a concentration yard with necessary supervisory employees at which ties were bought for resale, or he must have operated producing units on timber owned or controlled by him which were primarily engaged in the production of Western railroad cross ties;

(ii) During one calendar month of any of the 12 months preceding October 1, 1942, he must have either purchased or produced on direct orders from users not less than 400,000 board feet of Western railroad cross ties; and

(iii) During the entire 12 months preceding October 1, 1942, he must have successfully fulfilled a contract for the supply of at least 2,000,000 board feet of Western railroad cross ties to a single user.

The Lumber Branch of the Office of Price Administration, Washington, D. C., may by letter or telegram authorize any person not meeting these qualifications to act as a Tie Contractor upon presentation of proof that the granting of such authorization will supply a service needed by tie users by increasing production and availability of cross ties in the area covered by this regulation.

The addition permitted in Appendix A, § 1426.162, for tie contractors does not apply to switch ties or to any product covered by this Regulation except Western railroad cross ties.

§ 1426.153 *How to figure maximum prices.* The maximum prices specified in Appendix A, § 1426.162, are prices f. o. b. the railroad loading-out point nearest

*Copies may be obtained from the Office of Price Administration.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8831, 9004, 8942, 9435, 9615, 9616.

[3] 7 F.R. 7097, 7368, 8199, 8403, 9130.

[4] 7 F.R. 9230.

[5] 7 F.R. 4573, 5180, 5360, 6168, 6388, 6424, 7285, 8384, 8877, 8948.

the mill or point of production in the normal direction of delivery to the point of destination. Additions to these maximum prices may be made for treatment and delivery as set forth below:

(a) *Treatment addition.* An addition for preservative treatment may be made at prices not higher than those permitted by the General Maximum Price Regulation or any other applicable maximum price regulation of the Office of Price Administration.

(b) *Transportation addition.* The transportation charges set forth below may be added to the maximum f. o. b. railroad loading-out point prices when the seller makes delivery to the destination. That part of the transportation from the mill or point of production to the railroad loading-out point must, in every instance, be provided at the seller's expense.

(1) *Common or contract carrier.* (i) When the estimated weights in Appendix A are used, the rate times the estimated weight is the proper transportation charge, even if the estimated weights are higher than actual weights. Higher estimated weights than those used in Appendix A may not be used. The estimated weight must be the weight for the exact type of product actually shipped; for example, green weights cannot be used even if dry lumber is shipped. The transportation charge may be evened out to the nearest quarter-dollar per M.

(ii) When estimated weights are not used, the amount added for transportation must not be more than the amount actually paid to the common or contract carrier, evened out to the nearest quarter-dollar per M.

(2) *Private truck.* When shipment is by truck owned or controlled by the seller, the amount added for transportation may not be more than the actual cost to the seller of delivery by truck; and, no matter what the actual cost is, the amount added must not be more than the railroad charge at the carload rate for the most similar haul.

(3) *"Averaging-out".* (i) When a single order, for which a single flat delivered price was quoted and accepted, is shipped from two or more railroad loading-out points to a single destination on varying freight rates, the seller may average out the transportation charges applying from the railroad loading-out point to the destination.

(ii) In order that no single invoice shall appear to be false or over the ceiling, the seller must write on each invoice that the particular shipment is part of a larger order. Then, when shipment has been completed, he must render a final invoice which shows the individual prices, loading-out point, the amount shipped from each loading-out point, each destination, the freight charge for each shipment, and a reconciliation of the total amount so computed with the agreed delivered sale price and also with the maximum price permitted by this regulation.

§ 1426.154 *Prohibited practices*—(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars and cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, and the like.

(b) *Specific practices.* The following are among the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit practices or cash discounts from what they were on April 1, 1942. The cash and credit periods recognized by the seller on April 1, 1942, shall not be reduced.

(2) Refusing to sell on a loading-out point basis and insisting on selling on a delivered basis.

(3) Quoting a gross price above the maximum price, even if accompanied by a discount, the effect of which is to bring the net price below the maximum.

(4) Making the buyer take something he does not want in order to get what he does want.

(c) *Adjustable pricing.* A price may not be adjustable to a maximum price which will be in effect at some time after delivery of the product has been completed, but the price may be adjustable to the maximum price in effect at the time of delivery.

(d) *Purchasing commissions.* A purchasing commission based on the quantity or value of the product purchased may not be charged or paid, if the commission plus the purchase price is higher than the maximum price permitted by this regulation.

§ 1426.155 *Species and sizes not specifically priced.* Species and sizes of Western primary forest products not specifically priced in Appendix A are nevertheless subject to this regulation. Maximum prices for such products will be arrived at as follows:

(a) *Western mine pit posts and stulls.* (1) The seller should check his records to determine the highest prices at which he sold, during the first month prior to October 1, 1941, both the item to be priced and the item of Western pit posts or stulls having a diameter at the small end of more than six inches and not more than eight inches.

(2) Add to 8¢ the difference per lineal foot between the highest selling prices of these two items.

(3) The sum resulting from the computation above, will be the tentative price per lineal foot for that item.

The tentative price obtained by application of the method of computation outlined above shall be submitted to the Lumber Branch, Office of Price Administration, Washington, D. C., within 10 days of the use of such price, together with certified copies of the invoices of the sales which were used to determine the maximum price. If, within thirty days after receipt of the request for approval, the Office of Price Administration does not adjust or require further justification of such maximum price, the price shall be considered approved and shall thereafter be the maximum price for that seller for that item. Pending such approval or action by the Office of Price Administration, the seller may deliver the item and receive payment therefor, subject to the condition that a refund will be made if the price is in excess of that finally approved by the Office of Price Administration.

(b) *All other Western primary forest products.* For any size or species of Western mine ties, timbers, blocks, cross bars, caps, lagging, wedges, railroad cross ties and switch ties, and Lodgepole pine poles for which a maximum price is not provided for in Appendix A, the maximum price shall be the price established by the Lumber Branch, Office of Price Administration, Washington, D. C., after full and sufficient facts have been submitted in support of any request for the establishment of such a maximum price. This price determination may be made by letter or telegram by the Lumber Branch of the Office of Price Administration.

§ 1426.156 *Petitions for adjustment and amendment*—(a) *Government contracts.* (1) The term "government contracts" is here used to include any contract with the United States or any of its agencies, or with the Government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States." It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that a maximum price in this regulation is impeding or threatens to impede production of any Western primary forest products which are essential to the war program and which are or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6,* issued by the Office of Price Administration.

As soon as the application is filed, contracts, deliveries, and payments may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must tell the buyer that the delivery is made subject to this refund.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

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*7 F.R. 5087, 5664.

§ 1426.157 *Records and reports*—(a) *Records.* All sellers of Western primary forest products must keep records which will show a complete description of the item sold, the name and address of the buyer, the date of the sale, and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for any month in which the seller or buyer sold or bought 5,000 ft., board measure, or more of Western primary forest products. The records must be kept for two years for inspection by the Office of Price Administration. Any records which the Office of Price Administration later requires must also be kept.

(b) *Reports.* Any reports that the Office of Price Administration requires must be made.

§ 1426.158 *Enforcement and licensing.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this regulation or of any regulation or order issued by the Office of Price Administration are urged to communicate with the nearest field, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

(c) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by the regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

(d) The provisions of Supplementary Order No. 18 (§ 1305.22) [7] licensing persons selling lumber, lumber products, or building materials, are applicable to every person, except mills, making sales of Western primary forest products for which maximum prices are established by this regulation. This Order, in brief, provides that a license is necessary, except for mills, to make sales under this regulation. A license is automatically granted to all sellers making these sales. It is not necessary to apply specially for the license, but a registration may later be required. The Emergency Price Control Act of 1942, as amended, and Supplementary Order 18 tell the circumstances under which licenses may be suspended. The license cannot be transferred.

§ 1426.159 *Relation to other regulations*—(a) *General Maximum Price Regulation and Maximum Price Regulation 216 superseded.* The provisions of this Maximum Price Regulation No. 284 supersede the provisions of the General Maximum Price Regulation and Maximum Price Regulation 216 with respect to sales and deliveries for which maximum prices are established by this regulation.

(b) *Maximum Export Price Regulation.* The maximum price for export sales of Western primary forest products is governed by the Revised Maximum Export Price Regulation.[8]

§ 1426.160 *Geographic applicability.* The provisions of this Maximum Price Regulation No. 284 shall apply to the forty-eight states of the United States and the District of Columbia.

§ 1426.161 *Effective date.* This regulation (§§ 1426.151 to 1426.162, inclusive) shall become effective December 18, 1942.

§ 1426.162 *Appendix A: Maximum prices for Western primary forest products.* All maximum prices set forth below are f. o. b. the railroad loading-out point (including loading on cars) nearest the mill or point of production in the normal direction of delivery to the point of destination. These maximum prices do not include treatment. See § 1426.153 for the method of computing delivered prices.

TABLE 1—WESTERN MINE PIT POSTS AND STULLS

[Species: Lodgepole Pine, Red Spruce, Tamarack, Ponderosa Pine, Larch Fir, or any combination of these species]

Diameter at the small end	Maximum price for any length per Lineal foot—peeled	Estimated average weights per Lineal foot	
		Green	Dry
		Lbs.	*Lbs.*
Up to 6", incl.	$0.0525	9.0	7.0
Over 6" to 8", incl.	.0800	16.5	12.5
Over 8" to 10", incl.	.1100	24.0	18.0
Over 10" to 12", incl.	.1275	34.0	25.0
Over 12" to 14", incl.	.1650	46.0	35.0
Over 14" to 16", incl.	.2250	58.0	45.0
Over 16" to 18", incl.	.2850	70.0	54.0
Over 18" to 20", incl.	.3600	86.0	65.0
Over 20" to 22", incl.	.4600	104.0	80.0

Deductions for unpeeled Western Mine Pit Posts and Stulls:

Up to 12", incl.	$0.0150 per L. Ft.
Over 12" to 18", incl.	.0200 per L. Ft.
Over 18" to 22", incl.	.0250 per L. Ft.

TABLE 2—WESTERN MINE TIES

[Species: Lodgepole Pine, Red Spruce, Tamarack, Ponderosa Pine, Larch Fir, or any combination of these species]

Size	Maximum price per 1,000 ft. board measure	Estimated average weights per 1,000 ft. board measure	
		Green	Dry
From 4" x 4", to 6" x 6" up to 7 ft. lengths, incl.	$26.50	*Lbs.* 3,300	*Lbs.* 2,500

TABLE 3—WESTERN MINE TIMBERS BLOCKS, CROSS BARS, CAPS, LAGGING, AND WEDGES

[Species: Lodgepole Pine, Red Spruce, Tamarack, Ponderosa Pine, Larch Fir, or any combination of these species]

Size	Maximum price per 1,000 ft. board measure	Estimated average weights per 1,000 ft. board measure	
		Green	Dry
		Lbs.	*Lbs.*
Up to 8" x 8", incl. any length	$26.50	3,300	2,500
Over 8" x 8" any length	28.50	3,300	2,500

TABLE 4—WESTERN RAILROAD CROSS TIES

[Species: Lodgepole Pine, Red Spruce, Tamarack, Ponderosa Pine, Larch Fir, or any combination of these species. Specifications: The maximum prices specified below apply to untreated cross ties manufactured in accordance with the specifications of the American Railway Engineering Association. It is expected that cross ties not meeting these specifications will be priced correspondingly lower]

Item	Maximum price per 1,000 ft. board measure	Estimated average weights per 1,000 ft. board measure	
		Green	Dry
		Lbs.	*Lbs.*
Western railroad cross ties produced at any point in the States of North Dakota, South Dakota, Utah, Wyoming, Colorado, Arizona, and New Mexico; in Cimarron, Texas, and Beaver Counties, Oklahoma; and in those counties in Texas west of the east line of Lipscomb, Hemphill, Wheeler, Collingsworth, Childress, Cottle, King, Stonewall, Fisher Nolan, Coke, Tom Green, Schleicher, Sutton, Edwards, Kinney, and Maverick Counties	$28.50	3,300	2,500
Western railroad cross ties produced at any point in the States of California, Idaho, Montana, and Nevada; in those parts of Oregon and Washington east of the crest of the Cascade Mountains	23.50	3,300	2,500

Additions per 1,000 ft. board measure: A tie contractor may add $5.00 when selling directly to a user.

TABLE 5—WESTERN RAILROAD SWITCH TIES

[Species: Lodgepole Pine, Red Spruce, Tamarack, Ponderosa Pine, Larch Fir, or any combination of these species. Specifications: The maximum prices specified below apply to untreated switch ties manufactured in accordance with the specifications of the American Railway Engineering Association. It is expected that switch ties not meeting these specifications will be priced correspondingly lower]

Item	Maximum price per 1,000 ft. board measure	Estimated average weights per 1,000 ft. board measure	
		Green	Dry
		Lbs.	*Lbs.*
Western railroad switch ties produced at any point in the Western Primary Forest Products' territory	$30.50	3,300	2,500

No addition is provided for sales by tie contractors for switch ties.

[7] 7 F.R. 7240.

[8] 7 F.R. 5059, 7242, 8829, 9000.

TABLE 6—LODGEPOLE PINE POLES

[Specifications: The maximum prices specified below apply to Lodgepole pine poles manufactured in accordance with the specifications of the American Standards Association. It is expected that Lodgepole pine poles not meeting these specifications will be priced correspondingly lower]

Length	Class	Estimated weight per pole shipping dry	Maximum price for each pole
		Lbs.	
16'----------	6	155	$1.70
16'----------	7	135	1.50
16'----------	8	120	1.15
16'----------	9	110	.90
20'----------	5	300	2.95
20'----------	6	225	2.20
20'----------	7	200	1.75
20'----------	8	180	1.55
20'----------	9	135	1.10
20'----------	10	125	.90
25'----------	1	850	5.15
25'----------	2	720	4.95
25'----------	3	600	4.45
25'----------	4	480	4.25
25'----------	5	400	3.95
25'----------	6	320	2.85
25'----------	7	250	2.45
25'----------	8	225	2.20
25'----------	9	200	1.70
30'----------	1	1000	5.50
30'----------	2	850	5.10
30'----------	3	730	4.90
30'----------	4	610	4.70
30'----------	5	500	4.45
30'----------	6	420	3.80
30'----------	7	350	3.60
30'----------	8	325	3.40
30'----------	9	250	2.55
35'----------	1	1200	7.00
35'----------	2	1000	6.80
35'----------	3	850	6.60
35'----------	4	750	6.40
35'----------	5	650	5.80
35'----------	6	560	5.00
35'----------	7	470	4.00
35'----------	8	450	3.80
40'----------	1	1,500	8.05
40'----------	2	1,300	7.65
40'----------	3	1,100	7.45
40'----------	4	900	7.20
40'----------	5	800	6.80
40'----------	6	700	6.15
45'----------	1	1,800	9.90
45'----------	2	1,550	9.45
45'----------	3	1,300	9.00
45'----------	4	1,150	8.40
45'----------	5	1,000	7.90
50'----------	1	2,000	13.55
50'----------	2	1,800	12.60
50'----------	3	1,550	10.90
50'----------	4	1,400	10.20
50'----------	5	1,300	9.50
55'----------	1	2,300	24.00
55'----------	2	2,000	19.70
55'----------	3	1,750	14.70
55'----------	4	1,600	12.10
55'----------	5	1,450	11.40
60'----------	1	2,600	29.45
60'----------	2	2,200	24.00
60'----------	3	2,000	19.00
60'----------	4	1,900	15.20

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13275; Filed, December 12, 1942; 12:32 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165 as Amended,[1] Amendment 12]

SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In § 1499.102, a new paragraph (f) is added as set forth below:

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972.

§ 1499.102 *Maximum prices for services—general provisions.* * * *

(f) The term "service" as used in this regulation includes any commodity or article sold in connection with the sale of a particular service. But where the price of a commodity (or article) sold in connection with a particular service is subject to any maximum price regulation which fixes a maximum price for the commodity higher than that allowed by this regulation, the maximum price for the service may be increased by the difference between the maximum price for the commodity under this regulation and that under the regulation specifically applicable to the commodity. Where, on the other hand, the maximum price for the commodity fixed by the regulation having specific application is lower than the price for the commodity permitted by this regulation, the maximum price for the service must be decreased in the amount of that difference.

§ 1499.121a *Effective dates of amendments.* * * *

(l) Amendment No. 12 (§ 1499.102 (f)) to Maximum Price Regulation No. 165 as amended shall become effective December 18, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13276; Filed, December 12, 1942; 12:32 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 77 to Supp. Reg. 14[1] to GMPR[2]]

FLUID MILK AND CREAM

A statement of the considerations involved in the issuance of this Amendment has been isued simultaneously herewith and filed with the Division of the Federal Register.*

Subdivision (v) of § 1499.73 (a) (1) is redesignated subdivision (vi) of § 1499.73 (a) (1); and a new subdivision (v) is added to § 1499.73 (a) (1), as set forth below:

§ 1499.73 * * *
(a) * * *
(1) * * *

(v) *Determination of adjusted maximum prices for fluid cream sold at wholesale in glass and paper containers and sold at retail after butterfat content is reduced to comply with Conservation Order No. M-259,[3] issued by the War Production Board on November 25, 1942.* (*a*) Maximum prices for sales and deliveries of fluid cream the butterfat content of which is not less than 18% and which complies with Conservation Order No. M-259 shall be determined as follows:

(*1*) *Where the butterfat content is reduced,* the seller shall adjust his maximum price for any unit size, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or subdivisions (iii) and (iv) of § 1499.73 (a) (1) hereof, proportionately, as follows:

Butterfat content prior to reduction:	*Adjustment to be made by seller*
40%----------	Deduct 85¢ per gallon.
39%----------	Deduct 80¢ per gallon.
38%----------	Deduct 75¢ per gallon.
37%----------	Deduct 70¢ per gallon.
36%----------	Deduct 65¢ per gallon.
35%----------	Deduct 60¢ per gallon.
34%----------	Deduct 55¢ per gallon.
33%----------	Deduct 50¢ per gallon.
32%----------	Deduct 45¢ per gallon.
31%----------	Deduct 40¢ per gallon.
30%----------	Deduct 35¢ per gallon.
29%----------	Deduct 30¢ per gallon.
28%----------	Deduct 25¢ per gallon.
27%----------	Deduct 20¢ per gallon.
26%----------	Deduct 15¢ per gallon.
25%----------	Deduct 10¢ per gallon.
24%----------	Deduct 5¢ per gallon.
23%----------	No change in maximum price.
22%----------	Add 5¢ per gallon.
21%----------	Add 10¢ per gallon.
20%----------	Add 15¢ per gallon.
19%----------	Add 20¢ per gallon.

If the butterfat content was more than 40%, the seller must deduct proportionately for any unit size 5¢ per gallon for each 1% over 23% of butterfat content prior to reduction.

(*2*) *Where the butterfat content remains unchanged,* the seller may adjust his maximum price for any unit size, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or subdivisions (iii) and (iv) of § 1499.73 (a) (1) hereof, proportionately in accordance with the following table:

Butterfat content unchanged:	*Adjustment to be made by seller*
23%----------	None.
22%----------	Add 5¢ per gallon.
21%----------	Add 10¢ per gallon.
20%----------	Add 15¢ per gallon.
19%----------	Add 20¢ per gallon.
18%----------	Add 20¢ per gallon.

(*b*) *Calculations.*

(*1*) The foregoing pricing formulae shall apply to sales and deliveries of fluid cream (*i*) at retail or (*ii*) at wholesale in glass or paper containers of any package size, whether more or less than one gallon, on a proportionate basis. All calculations shall be carried to the fourth decimal place of a cent. Any final calculation of the maximum price for any unit size resulting in a fraction of a cent shall be adjusted to the nearest half cent. *Example:*

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5486, 5709, 5911, 6008, 6271, 6369, 6473, 6477, 6774, 6775, 6776, 6793, 6887, 6892, 6939, 6965, 7011, 7012, 7203, 7250, 7289, 7365, 7400, 7401, 7453, 7510, 7511, 7535, 7536, 7538, 7604, 7739, 7671, 7812, 7914, 7946, 8024, 8199, 8237, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 8950, 8954, 8955, 8953, 9043, 9082, 9131, 9196, 9391, 9397, 9495, 9496, 9639, 9786, 9900, 9901, 10069, 10111, 10023, 10151, 10231.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616, 9732, 10155.

[3] 7 F.R. 9811.

Butterfat content prior to reduction	Gallon-size container—seller must subtract from established maximum price	Quart-size container—seller must subtract from established maximum price	Pint-size container—seller must subtract from established maximum price	Half-pint-size container—seller must subtract from established maximum price
40%--	$0.85	$0.2125	$0.1062	$0.0531
32%--	.45	.1125	.0563	.0281
28%--	.25	.0625	.0313	.0156

Butterfat content prior to reduction	Gallon-size container—seller may add to established maximum price	Quart-size container—seller may add to established maximum price	Pint-size container—seller may add to established maximum price	Half-pint-size container—seller may add to established maximum price
18% and 19%--	$0.20	$0.05	$0.025	$0.0125
21%--	.10	.025	.0125	.0063

(2) If the seller has established maximum prices, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation or subdivisions (iii) or (iv) of § 1499.73 (a) (1) hereof, for fluid cream having different percentages of butterfat content, his adjusted maximum price shall be determined according to the method applicable to the fluid cream which, prior to reduction, had a butterfat content nearest to 23%. If two methods are equally applicable, the seller's adjusted maximum price shall be determined by the one resulting in a lower price.

(c) *Records and reports.* On or before January 11, 1943, every seller at wholesale of fluid cream affected by the provisions of subdivision (v) hereof shall prepare, on the basis of available information and records, and file with the nearest District or State Office of the Office of Price Administration a report, showing: (*1*) his adjusted maximum prices for fluid cream in each size and type of container; and (2) the basis for the adjusted maximum prices, including (*i*) the butterfat content of fluid cream sold in each size and type of container prior to November 25, 1942, (*ii*) the established maximum prices in effect immediately prior to the issuance of Conservation Order No. M–259 by the War Production Board on November 25, 1942, and (*iii*) the present butterfat content of such cream for each size and type of container.

(d) *Notice to retailers.* Each seller at wholesale of fluid cream in glass or paper containers shall calculate the retailers' permitted increase or required decrease under this subdivision (v) of § 1499.73 (a) (1) for each unit size sold at retail. On or before the first delivery made after December 14, 1942, such seller at wholesale shall mail or otherwise deliver to retailers who purchase fluid cream from them written notices of the retailers' permitted increase or required decrease for each class of cream. Except for the proper insertion, the notices shall read as follows:

NOTICE OF RETAILERS' PERMITTED INCREASE

Our fluid cream now has a butterfat content of ____ percent. Prior to the issuance of Conservation Order M–259 by WPB on November 25, 1942, the butterfat content was ____ percent, and our ceiling price was ____ cents for (gallon, quart, pint, or half pint) container sizes. Our new ceiling price is ____ cents for (gallon, quart, pint, or half pint) container sizes.

Your new OPA ceiling price shall be your maximum price for such cream on November 25, 1942 *plus* ____ cents for (gallon, quart, pint, or half pint) container sizes.

OPA requires that you keep this information for examination and that you record your new ceiling price in your statement of base period maximum prices kept in your store. You should also post your new ceiling price on cream in place of your old ceiling price.

NOTICE OF REQUIRED DECREASE IN RETAILERS' PRICE

Our fluid cream now has a butterfat content of ____ percent. Prior to the issuance of Conservation Order M–259 by WPB on November 25, 1942, the butterfat content was ____ percent, and our ceiling price was ____ cents for (gallon, quart, pint, or half pint) container sizes. Our new ceiling price is ____ cents for (gallon, quart, pint, or half pint) container sizes.

Your new OPA ceiling price shall be your maximum price for such cream on November 25, 1942 *minus* ____ cents for (gallon, quart, pint, or half pint) container sizes.

OPA requires that you keep this information for examination and that you record your new ceiling price in your statement of base period maximum prices kept in your store. You should also post your new ceiling price on cream in place of your old ceiling price.

(b) *Effective dates.* * * *

(78) Amendment No. 77 (§ 1499.73 (a) (1)) to Supplementary Regulation No. 14 shall become effective December 12, 1942.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13277; Filed, December 12, 1942; 12:35 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 180 Under § 1499.3 (b) of GMPR]

EASTMAN KODAK COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1196 *Approval of maximum price for sales of "Pantopaque" by Eastman Kodak Company, Rochester, New York.* (a) The maximum price for sales by Eastman Kodak Company, a corporation having its principal place of business in Rochester, New York, of the chemical produced by it and sold under the name of "Pantopaque" shall be $0.75 per vial, f. o. b. Rochester, New York.

(b) All discounts, allowances, and trade practices in effect with respect to sales of comparable products by Eastman Kodak Company during March 1942 shall apply to the maximum price established by this Order No. 180.

(c) This Order No. 180 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 180 (§ 1499.1196) shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13279; Filed, December 12, 1942; 12:35 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 285]

IMPORTED FRESH BANANAS, SALES EXCEPT AT RETAIL

In the judgment of the Price Administrator, war shipping conditions and other factors affecting the sale of fresh bananas by importers and by wholesalers have resulted in the establishment under the General Maximum Price Regulation of maximum prices for such sales which are not best calculated to assist in securing equitable distribution of fresh bananas. The Price Administrator has determined to replace these maximum prices by maximum prices established in this regulation. In the issuance of this regulation, the Price Administrator has ascertained and given due consideration to the prices of fresh bananas prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representatives of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices herein established for importers and wholesalers of fresh bananas are generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 258 is hereby issued.

Sec.

*Copies may be obtained from the Office of Price Administration.

Sec.

AUTHORITY: §§ 1351.1251 to 1351.1267, inclusive, issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1351.1251 *Applicability of this Maximum Price Regulation No. 285*—(a) *Commodity to be priced under this regulation.* This regulation applies only to fresh bananas, imported for sale within the continental limits of the United States.

(b) *To what types of sellers this regulation applies.* This regulation applies to importers and all wholesalers, as defined herein, of fresh bananas.

(c) *Purposes of this regulation.* The purposes of this regulation are to replace the maximum prices established by the General Maximum Price Regulation for importers and wholesalers by maximum prices set forth as follows:

(1) Section 1351.1252 sets forth maximum prices for importers for each kind of fresh bananas, per cwt., f. o. b. port of entry.

(2) Appendix A, § 1351.1267, sets forth the figures which all wholesalers must use in calculating maximum prices.

(d) *Prohibition against sales above maximum prices.* On and after December 18, 1942, regardless of any contract or other obligation, no person shall sell or deliver fresh bananas at prices higher than the maximum prices established by this regulation, and no person shall buy or receive fresh bananas in the course of trade or business at prices higher than the maximum prices. Lower prices than the maximum prices may be charged and paid.

§ 1351.1252 *How an importer establishes his maximum price for each kind of fresh bananas.* (a) The maximum price per cwt. at which any importer may sell, offer to sell or deliver each kind of fresh bananas, f. o. b. any port of entry within the continental limits of the United States, shall be:

Country of origin (Kind of fresh bananas)	*Maximum prices per cwt., f. o. b. port of entry*
Costa Rica, Panama, Guatemala, Honduras.	$4.50 per cwt., f. o. b. port of entry
Mexico: States of Chiapas and Tobasco.	$4.50 per cwt., f. o. b. port of entry
All others from Mexico.	$3.25 per cwt., f. o. b. port of entry
Fresh bananas from any country not listed above.	$4.00 per cwt., f. o. b. port of entry

(b) If an importer makes a sale of any kind of fresh bananas for delivery to a place other than the port of entry to or through which the fresh bananas being priced were originally shipped from the country of origin, his maximum price shall be the price set forth in paragraph (a) of this section, plus his actual transportation charges, which shall not exceed the lowest available common carrier rate, from the port of entry to the place where such kind of fresh bananas are to be delivered; however, no charge or cost for local unloading or local hauling shall be included. In no case shall the importer add to the maximum prices, f. o. b. port of entry, any transportation charges, whether paid by him or not, from the country of origin to the port of entry.

(c) The maximum price, per cwt. at which any sales of any kind of fresh bananas may be made at the New York, N. Y., Philadelphia, Pa., and Baltimore, Md., auction markets shall be as follows:

(1) The maximum price per cwt., f. o. b. port of entry, as set forth in paragraph (a) of this section; plus

(2) The actual transportation charges, at lowest available common carrier rates, from the port of entry to the auction market where the fresh bananas are to be sold; multiplied by

(3) 1.085. The resulting figure shall be the maximum price for any sale and delivery at auction: *Provided,* That trade discounts for auction sales heretofore in effect shall be subtracted from the maximum price established herein for auction sales.

§ 1351.1253 *How a wholesaler calculates his maximum price for each kind of fresh bananas as set forth in Appendix A.* (a) For the purposes of this regulation, "wholesaler" means any wholesale seller, including, but not limited to, service and cash-and-carry wholesalers, retailer-owned cooperatives, jobbers or any other persons who purchase for the purpose of resale, except importers and retailers, and who take title and make sales to any person who is not the ultimate consumer. The term "ultimate consumer" does not include institutional, commercial or industrial users.

(b) The wholesaler shall calculate his maximum price on the effective date of this regulation and on Monday of each week thereafter for each kind of fresh bananas as follows:

(1) The wholesaler shall determine his "largest single purchase" of each kind of fresh bananas, as set forth in § 1351.1252, made during the seven days prior to Monday of each week.

(2) "Largest single purchase" means the greatest quantity (in pounds) of the kind of fresh bananas which the wholesaler is pricing, and which was purchased by him during the seven days prior to Monday of each week. For the purposes of this paragraph, "Purchase" by a wholesaler shall be deemed to have been made when actual delivery has been made to him.

(3) The wholesaler shall then determine the "delivered price" of his "largest single purchase", as defined above, of the kind of fresh bananas being priced. "Delivered price" means the maximum price, f. o. b. port of entry, for the kind of fresh bananas he is purchasing plus the actual cost of transportation from the port of entry at lowest available common carrier rates, as defined herein, to his customary receiving point, less all discounts allowed him except the discount for prompt payment; however no charge or cost for local unloading or local hauling shall be included.

(4) The wholesaler shall then multiply his "delivered price", as defined above, by the figures set forth in Appendix A applicable to him. The resulting figure is the maximum price which the wholesaler is permitted to charge.

(c) If a wholesaler purchases fresh bananas at any of the following auction markets, New York, N. Y., Philadelphia, Pa., and Baltimore, Md., he shall apply the provisions of this section to such fresh bananas purchased at auction, except that the figure by which he multiplies his "delivered price" shall be the figure set forth in Appendix A for wholesalers who purchase at auction. "Delivered price" in the case of auction sales means the maximum price per cwt., f. o. b. port of entry, plus the actual transportation charges from the port of entry to the auction market multiplied by 1.085, as set forth in § 1351.1252 (c) hereof.

(d) If the wholesaler makes no purchase of fresh bananas during any particular seven-day period his maximum price shall be based on his most recent "largest single purchase", as defined herein.

§ 1351.1254 *Information which each importer and wholesaler must pass on to his purchaser.* Whenever an importer or wholesaler makes a sale and delivery after the effective date of this regulation, he shall supply to his purchaser an invoice, or any other written evidence of the sale, setting forth in writing the following information:

(a) The importer shall set forth:

(1) The kind of fresh bananas being sold (i. e., the country of origin as set forth in § 1351.1252 hereof).

(2) The maximum prices per cwt., f. o. b. port of entry, and actual transportation charges, if any, paid by the seller.

(3) In cases of purchases or sales at auction, the auction maximum price, as set forth in § 1351.1252 (c).

(b) The wholesaler shall state his selling price, not exceeding his maximum price.

The invoice or other written evidence of the sale, when containing the above required information, shall be deemed to be proper notification to the purchaser.

§ 1351.1255 *Fractions of cents.* Any calculation of a maximum price per cwt. by a wholesaler which results in a fraction of a cent shall be reduced to the nearest lower cent if the fraction is less

than one-half cent and shall be increased to the nearest higher cent if the fraction is one-half cent or more.

§ 1351.1256 *Customary allowances.* No importer or wholesaler is permitted to change his customary allowances, discounts and price differentials, including allowances, discounts, and price differentials for different classes of purchasers, unless such change results in a lower net price. Trade discounts for auction sales heretofore in effect shall not be changed unless such change results in a lower net price.

§ 1351.1257 *Relationship between this regulation and the General Maximum Price Regulation.*[1] (a) The provisions of this Maximum Price Regulation No. 285 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries by importers and wholesalers of fresh bananas. However, the following provisions of the General Maximum Price Regulation, as well as any amendments thereto, continue to be applicable to every importer and wholesaler selling fresh bananas:

(1) Transfers of business or stock in trade (§ 1399.5)
(2) Federal and state taxes (§ 1499.7)
(3) Current records (§ 1499.12)
(4) Sales slips and receipts (§ 1499.14)
(5) Definitions (§ 1499.20)

(b) The registration and licensing provisions of §§ 1499 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this regulation.

§ 1351.1259 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 285 are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

§ 1351.1260 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 285 may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1 [2] issued by the Office of Price Administration.

§ 1351.1261 *Records and reports.* (a) Every person selling fresh bananas for which maximum prices are established by this regulation shall:

(1) Preserve for examination by the Office of Price Administration all his records, including invoices or other written evidences of a sale and delivery, relating to the prices which he charges pursuant to the provisions of this regulation.

(2) Prepare on or before December 31, 1942, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing all of his customary allowances, discounts and other price differentials.

(b) Every person making a sale of fresh bananas for which maximum prices are established by this regulation shall keep and make available for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect, records of the same kind as he has customarily kept relating to the prices which he charges for fresh bananas after the effective date of this regulation and in addition records showing as precisely as possible the basis upon which he determined the maximum prices for fresh bananas.

§ 1351.1262 *Export sales.* The maximum prices at which a person may export fresh bananas covered by this Maximum Price Regulation No. 285 shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation [3] issued by the Office of Price Administration.

§ 1351.1263 *Exempt sales.* This regulation shall not apply to sales at retail.

§ 1351.1264 *Definitions.* (a) When used in this Maximum Price Regulation No. 285 the term:

(1) "Person" means individuals, corporations, partnerships, associations, or other organized groups of persons, or legal successors, or representatives of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Importer" means any person who imports fresh bananas from the country of origin into the United States or who makes the first sale and delivery thereof after such importation.

(3) "Auction" means any sale and delivery of fresh bananas made pursuant to competitive bidding in the auction markets of the cities of New York, N. Y., Philadelphia, Pa., and Baltimore, Md.

(4) "Fresh bananas" means the imported fresh fruit of the banana tree.

(5) "Kind of fresh bananas" means bananas produced in certain countries or territories, such as, but not limited, Costa Rica, Guatemala, Honduras, and Mexico.

(6) "Actual cost of transportation" shall include the actual cost of freight from the port of entry to the wholesaler's customary receiving point, and shall include charges for protective services, such as heating, icing, and messenger service.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used in this regulation.

§ 1351.1265 *Geographic applicability.* The provisions of this Maximum Price Regulation No. 285 shall apply to the forty-eight States of the United States and the District of Columbia.

§ 1351.1266 *Effective date.* This Maximum Price Regulation No. 285 (§§ 1351.1251 to 1351.1267, inclusive) shall become effective December 18, 1942.

§ 1351.1267 *Appendix A: Figures to be used by wholesalers in calculating maximum prices under § 1351.1253 of this regulation.* (After the effective date of this regulation, maximum prices for sales and deliveries of fresh bananas at wholesale must be established as set forth below.)

Column I	Column II	Column III			
Date on which wholesaler must calculate ceiling	Basis on which wholesaler must calculate his maximum price	Figure to be multiplied by "delivered price" established as indicated in Column II		Wholesaler purchasing at auction	
		Wholesaler purchasing at port of entry			
Effective date of this Regulation and each Monday thereafter	"Delivered price" of the "largest single purchase" delivered at customary receiving point	Selling on the stem 1.28	Selling in hands 1.37	Selling on the stem 1.18	Selling in hands 1.26

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13281; Filed, December 12, 1942; 12:32 p. m.]

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5919, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155.

[2] 7 F.R. 8961.

[3] 7 F.R. 5059, 7242, 8829, 9000.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

ST. ANDREW BAY, FLA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the following supplemental regulations are prescribed to govern the operation of the drawbridge of the Florida State Road Department bridge on U. S. Highway 98 across East Bay near Panama City, Florida:

§ 203.481 *St. Andrew Bay, east bay arm, Fla.; Bridge of Florida State Road Department near Panama City.* (a) For the duration of the war the owner or agency controlling the bridge shall not open the draw between the hours of 6:45 a. m. to 8:00 a. m., and 4:15 p. m. to 5:15 p. m. daily, except as otherwise provided in paragraph (b).

(b) The draw shall be opened at any time for the passage of a tow or crash boats, or in an emergency. An emergency shall be indicated by four blasts of the signaling device.

(c) The owner of, or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can easily be read at any time, a copy of these regulations.

(28 Stat. 362; 33 U.S.C. 499) [Regs. Dec. 4, 1942 (CE 823 (St. Andrew Bay-Panama City)—SPEON)]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-13301; Filed, December 14, 1942; 10:34 a. m.]

PART 206—FISHING AND HUNTING REGULATIONS

§ 206.95 *Coastal waters of Alaska and navigable waters tributary thereto: Fishing.* The date for the regulations and conditions approved October 14, 1940, to govern the placing and maintenance of fishing structures in the above waters, heretofore postponed to October 14, 1942, is hereby further postponed for the duration of the war and six months thereafter. (Sec. 10, River and Harbor Act, March 3, 1899, 30 Stat. 1151; 33 U.S.C. 403)

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-13267; Filed December 12, 1942; 12:08 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Permit ODT 24-5]

PART 520—CONSERVATION OF RAIL EQUIPMENT—EXCEPTIONS AND PERMITS

SUBPART D—PASSENGER TRAIN OPERATIONS

In accordance with the provisions of § 500.42 of General Order ODT 24, as amended, It is hereby authorized, that:

§ 520.604 *Certain extra or special passenger trains authorized.* Notwithstanding the provisions of § 500.41 of General Order ODT 24, as amended, any rail carrier, during the period December 12, 1942, to January 15, 1943, inclusive, may:

(a) Operate an extra or special passenger train, or a passenger train which is not scheduled, or an extra section or sections to scheduled passenger trains, when the operation of such passenger train or extra section is necessary to meet existing demands for transportation of members of the military or naval forces of the United States or of a nation allied with the United States in the war;

(b) Include passenger carrying railroad cars in the consist of any train now or hereafter scheduled which is operated primarily for the purpose of transporting mail or express;

Provided, however, That with respect to the operation of any train or extra section contemplated by paragraphs (a) or (b) of this § 520.604, (1) the chief operating officer of the operating rail carrier shall, within forty-eight (48) hours of such operation make a report in writing to the Office of Defense Transportation, Washington, D. C., explaining in detail the nature and extent of the demand which required the operation of, and describing, such train or extra section so operated; (2) the railroad cars, motive power, and other transportation facilities and equipment comprising any such train or extra section, or used in connection with the operation thereof, are not needed or required for the preferential transportation of troops or material of war; and (3) the operation of any such train or extra section will not delay, impede, or otherwise interfere with the prompt and continuous movement of traffic necessary or essential to the successful prosecution of the war.

This general permit shall become effective on December 12, 1942.

(E.O. 8989, 6 F.R. 6725; General Order ODT 24, as amended, 7 F.R. 7814, and infra)

Issued at Washington, D. C., this 12th day of December 1942.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 42-13244; Filed, December 12, 1942; 11:43 a. m.]

[General Order ODT 24, Amendment 1]

PART 500—CONSERVATION OF RAIL EQUIPMENT

SUBPART D—PASSENGER TRAIN OPERATIONS RESTRICTED

Pursuant to Executive Order No. 8989, issued December 18, 1941, § 500.43 of General Order ODT 24 [1] is hereby amended to read as follows:

§ 500.43 *Exemptions.* The provisions of § 500.41 of this subpart shall not apply to:

(a) Passenger trains or cars operated for the exclusive service of or through arrangements made by an agency or department of the United States or of any nation allied with the United States in the war;

(b) Extra sections made necessary as a result of the handling of cars primarily occupied by persons traveling under orders or directions of an agency or department of the United States;

(c) (1) Passenger train schedules, railroad cars or extra sections when the motive power and the equipment thereof have been assigned to or have been used for the transportation of troops and such motive power and equipment are proceeding from their terminal to the point of origin of such troop movement or returning from the point of destination thereof to the terminal of origin of such train; or (2) an extra section to any scheduled passenger train when by reason of weather conditions it is necessary to divide such scheduled passenger train in order to provide adequate heating therefore or to insure safety in the operation thereof: *Provided, however,* That with respect to the operation of any passenger train schedules, railroad cars or extra sections as contemplated by this paragraph (c), the chief operating officer of the operating rail carrier shall, on each Saturday, make a report in writing to the Office of Defense Transportation, describing each passenger train schedule, railroad car, or extra section operated by such carrier during the six preceding calendar days and set forth the conditions requiring such operations;

(d) Passenger train schedules, railroad cars, or extra sections required as a result of emergencies arising from an accident, public calamity, military necessity of the United States or of any nation allied with the United States in the war, or train delay: *Provided, however,* That with respect to the operation of any such passenger train schedules, railroad cars or extra sections, other than those operated as a result of emergencies arising from military necessity, the chief operating officer of the operating rail carrier shall, within 48 hours of such operation, make a report in writing to the Office of Defense Transportation describing each such train schedule, railroad car, or extra section so operated and explaining in full the emergency requiring the operation thereof.

This amendment shall become effective on December 12, 1942.

Issued at Washington, D. C., this 12th day of December, 1942.

(E.O. 8989, 6 F.R. 6725)

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 42-13243; Filed, December 12, 1942; 11:43 a. m.]

[1] 7 F.R. 7814.

[General Order ODT 7, Revised]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

SUBPART I—MOVEMENT OF TRAFFIC IN RAILWAY TANK CARS

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, in order to prevent shortages of equipment required for the transportation of materials of war as contemplated by section 6 (8) of the Interstate Commerce Act, as amended, and to attain maximum efficient utilization of existing transportation facilities and services, the attainment of which purposes is essential to the successful prosecution of the war, General Order ODT 7, as amended, (Part 500, Subpart B, §§ 500.9 to 500.15, inclusive) [1] is hereby revised and further amended to read as follows:

It is hereby ordered, That:

Sec.

502.100 Definitions.
502.101 Scope of order.
502.102 Tank cars subject to control.

[1] 7 F.R. 3332, 3531.

Sec.
502.103 Assignment of tank cars.
502.104 Inventory of tank cars.
502.105 Permit required.
502.106 Maintenance of tank cars.
502.107 Loading and unloading facilities.
502.108 Loading and unloading of tank cars.
502.109 Switching of tank cars.
502.110 Return of cars not assigned to eastern petroleum service.
502.111 Symbol petroleum trains.
502.112 Turn around of symbol petroleum trains.
502.113 Dispatch of symbol petroleum trains.
502.114 Consolidation of symbol petroleum trains.
502.115 Change of route.
502.116 Concentration of tank cars in eastern petroleum service.
502.117 Interchange of symbol petroleum trains.
502.118 Movement of symbol petroleum trains.
502.119 Filling out of trains.
502.120 Passing reports.
502.121 Handling of empty tank cars.
502.122 Routing to be disregarded.
502.123 Records and reports.
502.124 Exemptions.
502.125 Revocation.
502.126 Communications.
502.127 Effective date.

AUTHORITY: §§ 502.100 to 502.127, inclusive, issued under E.O. 8989, 6 F.R. 6725.

§ 502.100 *Definitions.* As used in this order (§§ 502.100–502.127) and in permits, orders, and directions issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, and includes any agency of the United States or of any other government, any State or any agency, municipality, or political subdivision thereof, or any trustee, receiver, assignee, or personal representative;

(b) "Carrier" means any person engaged in the transportation of property by railroad, in or between any of the several states of the United States or the District of Columbia;

(c) "Tank car" means any railway car designed or suitable for use or used in the transportation of liquid or gaseous cargo in bulk;

(d) "Petroleum traffic" means the transportation of petroleum or any liquid product of petroleum in bulk, in tank cars;

(e) "Tank car service" means the distribution of tank cars among shippers and the assignment of such cars to the services, purposes and areas within which such tank cars shall be operated;

(f) "Unloading facilities" means the facilities, including tracks, unloading racks, stands, pipes, pumps and tanks, used by a person receiving liquid cargo in bulk to unload the same from a tank car;

(g) "Loading facilities" means the facilities, including tracks, loading racks, pipes, pumps and tanks, used by a person shipping liquid cargo in bulk to load the same in a tank car;

(h) "District No. 1" means the area composed of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia or such other area as may hereafter be designated as District No. 1 by the Petroleum Administration for War;

(i) "Eastern petroleum traffic" means all shipments of petroleum traffic to points in District No. 1 from points outside such district;

(j) "Eastern petroleum service" means the use of tank cars, loaded or empty, in or incident to the transportation of eastern petroleum traffic;

(k) "Symbol train route" means a route established by direction of the Office of Defense Transportation, for the operation of symbol petroleum trains;

(l) "Symbol petroleum train" means a train operated pursuant to the provisions of this order for the through and uninterrupted movement of loaded or empty tank cars in unbroken blocks, in eastern petroleum service;

(m) "Symbol train origin" means a point at which a symbol petroleum train is originated;

(n) "Concentration point" means a point located upon a symbol train route, designated by the Office of Defense Transportation as a point at which loaded or empty tank cars in eastern petroleum service are or are to be concentrated and assembled into symbol petroleum trains;

(o) "Distribution point" means the destination of a symbol petroleum train;

(p) "Distribution area" includes the points within an area designated by the Office of Defense Transportation within which loaded tank cars engaged in petroleum traffic are or are to be unloaded and the tank cars made empty and includes points other than distribution points;

(q) "Train load" means (1) 60 or more empty or loaded tank cars moved in one train or (2) 30 or more empty or loaded tank cars of an aggregate weight equal to or exceeding the rated capacity of the locomotive used or to be used in drawing the train composed of such cars.

§ 502.101 *Scope of order.* This order prescribes conditions under which (a) tank car service shall be governed and administered; (b) eastern petroleum traffic shall be received, transported and delivered; (c) eastern petroleum service shall be conducted; and (d) symbol petroleum trains shall be operated to and from District No. 1.

§ 502.102 *Tank cars subject to control.* Whenever the Office of Defense Transportation shall deem it advisable, any person having possession or control of any tank car shall, notwithstanding any contract, lease, or other commitment, express or implied, with respect to the use or operation of such tank car, cause such tank car (a) to be operated in such manner, for such purposes, and between such points and places, as the Office of Defense Transportation shall from time to time direct, and (b) to be leased or rented to such person or persons as the Office of Defense Transportation shall from time to time direct. Unless the interested parties agree upon the amount of compensation payable for the lease, rental or use of any such tank car, so directed to be leased or rented, the amount of such compensation shall be such amount as may be determined by the Interstate Commerce Commission or other competent governmental authority.

§ 502.103 *Assignment of tank cars.* The distribution and assignment of tank cars shall be under the exclusive direction and control of the Office of Defense Transportation and shall be in accordance with this order and such general or special rules and regulations and directions as the Office of Defense Transportation from time to time shall promulgate. Carriers shall not deliver tank cars for loading in a manner inconsistent with this order or with such rules and directions with respect to tank car service as may be promulgated by the Office of Defense Transportation. The Office of Defense Transportation may among other things direct that any tank car or cars be assigned to eastern petroleum service, or any other service, exclusively. No person shall load, receive, forward, or divert a tank car so assigned to any such service in or to any other service unless authorized by the Office of Defense Transportation.

§ 502.104 *Inventory of tank cars.* Each person owning a tank car shall report to the Office of Defense Transportation at the time and in the manner and upon forms prescribed by the Office of Defense Transportation, information with respect to (a) the type, class, capacity and equipment of each such car, or the number, type, class, capacity and equipment of such cars by classes consisting of cars having identical characteristics, (b) the service or class of service in which such cars are used or proposed to be used, and (c) the name and address of any person or persons controlling the use of each of such cars under any lease arrangement that covers a period of more than 15 days. Such inventory shall be made current from time to time upon direction of the Office of Defense Transportation.

§ 502.105 *Permit required.* (a) Unless authorized by a general or special permit issued by the Office of Defense Transportation, no person shall offer for shipment and no carrier shall accept for shipment, forward, or transport, any loaded tank car containing a commodity to be transported to any destination in the United States or a foreign country less than 200 miles from the shipping point in the United States (such distance being measured over the shortest available published rail tariff route, whether billed or transported over such route or otherwise).

(b) Application for permit shall be made in writing to the Section of Tank Car Service, Division of Petroleum and Other Liquid Products, Office of Defense Transportation, Washington, D. C., and shall be in such form and contain such information as the Office of Defense Transportation shall require.

(3) The provisions of this § 502.105 shall not apply to a tank car containing a commodity consigned by or to the Army, Navy, Marine Corps, Maritime

Commission, and War Shipping Administration.

§ 502.106 *Maintenance of tank cars.* Each person owning a tank car shall so maintain such car that it is in condition at all times for safe, expeditious and economical operation. Every carrier, owner, lessee or other person having possession of any loaded or empty tank car, which for any reason becomes defective or in bad order to an extent which, in the judgment of such person, will interfere with its safe or expeditious movement, forthwith and without previous authorization from the owner, lessor or lessee of such car, shall cause all necessary repairs (including all owner's repairs except rebuilding) to be made to such car with all possible expedition. Every such person, lessee or lessor shall be reimbursed for the making of "owner's repairs" at the rates named in the current "Code of Rules of the Association of American Railroads" governing reimbursement by the owner to the using carrier for similar repairs to railway owned equipment. Carriers shall promptly notify the owner, lessee or lessor, and the Office of Defense Transportation with respect to any tank car in eastern petroleum service on their lines which cannot be so repaired as to make it suitable for continued use in such service.

§ 502.107 *Loading and unloading facilities.* Each carrier shall report to the Office of Defense Transportation the location of each plant served by it at which there was originated or terminated during the month of October, 1942, or during any succeeding calendar months with respect to any plant not theretofore reported, shipments of eastern petroleum traffic aggregating 300 or more loaded tank cars. Such report shall be made at a time to be designated by the Office of Defense Transportation and shall include with respect to each such plant: (a) the name and address of the operator; (b) the carriers which serve it; (c) the number and capacity of tracks (carrier and patron separately) for the receipt of inbound cars and the loading, unloading and assembly of outbound cars; (d) the facilities for heating the contents of tank cars; (e) the number of tank cars which may be loaded or unloaded simultaneously; (f) the number of tank cars shipped or received during the month as to which the report is made; and (g) an estimate of the time required (1) to switch tank cars to and from the plant after arrival of road trains, (2) for loading and unloading, (3) for switching tank cars back to outbound trains, and (4) the time which has elapsed between the arrival of each inbound tank car train and departure of the outbound train. When two or more carriers serve a plant for which a report is required, such carriers may agree among themselves that one of such carriers may make the report upon behalf of all carriers serving the plant.

§ 502.108 *Loading and unloading of tank cars.* Every person shipping or receiving eastern petroleum traffic shall complete the loading or unloading of tank cars as soon as possible after the arrival of such cars at the terminal of the rail carrier moving such cars, and in any event within 7 hours after placement for loading or unloading, and shall release any such cars within 15 hours after their actual or constructive delivery to such shipper or receiver. Every person receiving a tank car loaded with other than eastern petroleum traffic shall complete the unloading thereof within 24 hours after the arrival of any such car at the delivering carriers terminal.

§ 502.109 *Switching of tank cars.* Every carrier shall switch tank cars in eastern petroleum service, whether loaded or empty, with all possible expedition, and, except where impracticable, shall switch terminating tank cars in such service to the plant of the receiver and originating tank cars in such service from the plant of the shipper within 4 hours after (a) the arrival of such cars at destination, (b) order for placement of empty cars at origin has been received, or (c) tender of the cars, loaded or empty, following loading or unloading.

§ 502.110 *Return of cars not assigned to eastern petroleum service.* Every carrier, unless otherwise ordered by the Office of Defense Transportation, immediately after the unloading of any tank car not assigned to or engaged in eastern petroleum service and regardless of the ownership thereof or of the track on which such car is located, shall forward such empty tank car to its last point of origin over the route traveled by such car when loaded, unless, prior to the forwarding of such car the carrier shall have received contrary instructions from the consignor, owner, lessor, or lessee thereof.

§ 502.111 *Symbol petroleum trains.* All tank cars assigned to eastern petroleum service which originate at a symbol train origin, a concentration point, or within a concentration area shall be moved exclusively in unbroken blocks in symbol petroleum trains without intermediate break-up or classification between the termini of any such train, over the railroads, via the junctions, and upon the schedules designated by the Office of Defense Transportation.

§ 502.112 *Turn around of symbol petroleum trains.* In so far as practicable, tank cars, after movement to destination in a symbol train, shall be loaded or unloaded and redispatched in the opposite direction in a symbol train within 24 hours after their arrival at the terminal of loading or unloading.

§ 502.113 *Dispatch of symbol petroleum trains.* Every carrier (a) shall switch into blocks loaded or empty tank cars in eastern petroleum service and arrange such blocks in symbol trains in delivering carrier order; and (b) within 5 hours after there shall have been tendered to it at any point a trainload of tank cars destined to a single point or to points within a distribution area of any single point on a symbol train route, or within 10 hours after it shall have had in its possession or there shall have been tendered to it, 30 or more tank cars destined to a single point or to points within the distribution area of any single point on any such route, shall originate and dispatch a symbol petroleum train over the appropriate route and upon the prescribed schedule. The origination and dispatching of any such train may be deferred for such additional period as may be necessary, not to exceed 15 hours, when the carrier has advice that an additional block or blocks of 15 or more cars so destined will become available within such additional period.

§ 502.114 *Consolidation of symbol petroleum trains.* Any carrier which is a party to one or more symbol train routes may consolidate symbol petroleum trains scheduled to move between two points common to two or more of such routes, but only when such consolidation will expedite the movement of such trains.

§ 502.115 *Change of route.* When any carrier shall be unable to maintain a symbol petroleum train upon its prescribed schedule, it shall cause such train to be diverted to another carrier, if such diversion will expedite the movement of such train. Any carrier to whom such a train is diverted shall arrange for its movement in the same manner and with the same dispatch as though originally routed and scheduled over its line. Each proposed diversion shall be promptly reported to the Office of Defense Transportation by telegram.

§ 502.116 *Concentration of tank cars in eastern petroleum service.* Every carrier shall move all loaded and empty tank cars which it may have in its possession at any point and which are destined for movement in eastern petroleum service, in the freight train departing from such point which will provide for the most expeditious movement of such tank cars to the concentration or junction point of or with the symbol train route designated for such point of origin.

§ 502.117 *Interchange of symbol petroleum trains.* Every carrier originating or receiving a symbol petroleum train shall advise the next connecting carrier, by wire, of the time of arrival of such train at the next specified interchange point, and the number of tank cars therein, and shall keep such connecting carrier advised of any changes in the time of such arrival. As far as practicable at all such interchange points, the connecting carriers participating in the movement of such symbol petroleum trains shall arrange (a) for the direct movement of such train to the designated track of the connecting carriers, (b) for a prompt single joint inspection of the cars in such train at such interchange point, and (c) for the immediate dispatch of such train from such interchange point.

§ 502.118 *Movement of symbol petroleum trains.* So far as possible, any carrier, when participating in the movement of any symbol petroleum train of empty or loaded cars, shall operate such train in accordance with the schedules specified for the movement thereof.

§ 502.119 *Filling out of trains.* Any carrier operating a symbol petroleum

train under the provisions of this order may fill out such train with other cars, loaded or empty, if the inclusion of such other cars will not either prevent the maintenance of the schedule of such train, or the inclusion of other tank cars therein, or necessitate reclassification or new blocking, or require such train to be stopped at any point except division terminals and designated concentration or junction points.

§ 502.120 *Passing reports.* On or before the close of each calendar day, each carrier operating a symbol petroleum train on such day shall report by wire to the Office of Defense Transportation or its designated agent the symbol number, date, and section of such train, the time of origination, receipt from and delivery to connecting carrier, and the arrival thereof at destination, and the number of loaded or empty tank cars therein.

§ 502.121 *Handling of empty tank cars.* Every carrier shall give constant and preferred attention to the switching and movement of empty tank cars in eastern petroleum service and shall use every possible means to expedite the return of such cars to the next point of loading, in symbol petroleum trains.

§ 502.122 *Routing to be disregarded.* Carriers are authorized and directed to disregard instructions given by shippers, consignees or car owners with respect to the routing of loaded or empty tank cars moving in eastern petroleum service so far as shall be necessary to comply with this order and with the directions, rules, and regulations issued by the Office of Defense Transportation hereunder. No person or carrier shall directly or indirectly solicit eastern petroleum traffic for transportation or in any manner interfere with or attempt to interfere with or influence or attempt to influence the movement and routing of such traffic. All carriers participating in the movement of eastern petroleum traffic, which, pursuant to the terms of this order or of any direction issued thereunder, moves over a route other than that named in the shippers routing instructions, shall take all steps necessary to apply lawfully to such traffic the rate which would have been applicable thereto if it had been moved over the route named in such instructions.

§ 502.123 *Records and reports.* Every person loading, unloading, or shipping any tank car, and every carrier accepting for shipment, forwarding or transporting any tank car shall keep such records and make such reports as the Office of Defense Transportation shall require.

§ 502.124 *Exemptions.* The provisions of §§ 502.102, 502.103, and 502.104 shall not apply to tank cars owned by the Army, Navy, or Marine Corps.

§ 502.125 *Revocation.* General Order ODT 7, as amended (Part 500, Subpart B), Exception Order ODT 7–3 (Part 520, Subpart B), and Special Direction ODT 7–1 (Part 520, Subpart B) are hereby revoked.

§ 502.126 *Communications.* Communications concerning this order should refer to General Order ODT 7, Revised, and should be addressed to the Office of Defense Transportation, Washington, D. C.

§ 502.127 *Effective date.* This order shall become effective December 12, 1942.

Issued at Washington, D. C., this 12th day of December 1942.

JOSEPH B. EASTMAN,
Director.

[F.R. Doc. 42–13245; Filed, December 12, 1942; 11:43 a. m.]

[General Order ODT 15, Revised]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

SUBPART E—TRANSPORTATION OF COAL BETWEEN UNITED STATES PORTS ON THE ATLANTIC OCEAN

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, and in order to prevent terminal congestion at rail gateways and port areas in the movement of troops and materials and supplies of war, and to assure maximum utilization of the facilities, services, and equipment of common carriers by railroads for the preferential transportation of such traffic, and to prevent shortages of equipment necessary for such transportation, as contemplated by section 6 (8) of the Interstate Commerce Act, as amended; to expedite the movement and provide for the maximum flow of such traffic; and to conserve and providently utilize the transportation facilities and services of railroads and vessels, the attainment of which purposes is essential to the successful prosecution of the war, General Order ODT 15,[1] issued July 6, 1942, effective July 22, 1942, is hereby revised, superseded, and amended to read as follows:

It is hereby ordered, That:

Sec.

AUTHORITY: §§ 502.30 to 502.39, inclusive, issued under E.O. 8989, 6 F.R. 6725.

§ 502.30 *Definitions.* As used in this subpart or in orders or directions issued hereunder:

(a) The term "person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, and includes any agency of the United States, a state or political subdivision thereof, a governmental or political entity, or any trustee, receiver, assignee, or personal representative;

(b) The term "rail carrier" means any person engaged in the transportation of property as a common carrier by railroad, in or between any of the several States of the United States or the District of Columbia;

(c) The term "vessel" means any watercraft or other artificial contrivance of whatever description, other than a railway car float, which is designed or converted for use, and which is used, or is capable of being used, or is intended to be used, as a means of transportation by water of coal in bulk, including, but not limited to, colliers, self-propelled barges, barges, tugboats, and towboats;

(d) The term "Hampton Roads Area" shall include Sewall's Point and Lambert's Point, Virginia, and all docks, piers, and other ports and places in Newport News and Norfolk, Virginia;

(e) The term "coal" includes bituminous, semi-bituminous and sub-bituminous, anthracite, semi-anthracite, and briquettes;

(f) The term "dock" means a point or place at which coal is unloaded from a vessel and includes all land, buildings, and storage facilities adjacent thereto which are used or are capable of being used for the storage of coal;

(g) The term "ex-dock coal" means any coal shipped or intended to be shipped by any method of transportation from a dock and includes coal delivered to such dock by a rail carrier whether or not unloaded from the railroad cars in which it was so delivered.

§ 502.31 *Permit required.* (a) No person shall ship, accept for shipment, forward, or transport by vessel any shipment of coal from any port, point or place in the United States located on the Atlantic Ocean and tributary waters north of and including the Hampton Roads area, to any port, point or place in the United States, unless there is outstanding a special or general permit issued by the Office of Defense Transportation authorizing such shipment, forwarding, or transportation.

(b) No person shall ship, accept for shipment, forward, or transport by any method of transportation, any shipment of ex-dock coal from any port, point, or place in the United States located on the Atlantic Ocean and tributary waters north of and including the Hampton Roads area, to any port, point or place in the United States, unless there is outstanding an ex-dock permit issued by the Office of Defense Transportation authorizing such shipment, forwarding, or transportation.

§ 502.32 *Endorsement on shipping papers.* Each shipper or consignor, at the time of shipping or forwarding by vessel a shipment of coal for which a permit is required pursuant to the provisions of § 502.31 (a) of this subpart and at the time of shipping or forwarding a shipment of ex-dock coal for which a permit is required pursuant to the provisions of § 502.31 (b) of this subpart, shall endorse on the shipping instructions and other shipping papers pertaining to such shipment the number of the permit issued by the Office of Defense Transportation with respect thereto.

§ 502.33 *Application for permit.* Application for permit shall be made in writing to the Office of Defense Trans-

[1] 7 F.R. 5194.

portation, Washington, D. C., and shall be in such form and contain such information as the Office of Defense Transportation shall require.

§ 502.34 *Submission of plans.* Whenever two or more persons operate vessels in competitive service in the transportation of coal from any port, point or place in the United States located on the Atlantic Ocean and tributary waters north of and including the Hampton Roads area, to any port, point or place in the United States, they shall cause their representatives to meet for the purpose of formulating a plan of joint action to the end that maximum utilization of equipment and facilities be effected by (a) pooling of equipment, facilities, traffic, service, or revenues, or (b) joint use of equipment or other facilities. Within 60 days after the effective date of this subpart, such persons shall jointly submit to the Office of Defense Transportation, Washington, D. C., any plan of action so formulated, or a statement setting forth the reasons why no plan of joint action has been so formulated. Nothing in this subpart shall be construed to authorize joint action by any of the methods described in this section unless directed so to do by specific order of the Office of Defense Transportation.

§ 502.35 *Control of vessels.* (a) Whenever the Office of Defense Transportation shall deem it advisable, any person having possession or control of any vessel which is engaged in transportation by water between ports, points or places in the United States on the Atlantic Ocean and tributary waters shall, notwithstanding any contract, charter, lease, or other commitment, express or implied, with respect to the use or operation of such vessel, cause such vessel (1) to be operated in such manner, for such purposes, and between such points and ports, as the Office of Defense Transportation shall from time to time direct, and (2) to be chartered, leased or rented by any such person to such person or persons as the Office of Defense Transportation shall from time to time direct. Unless the interested parties agree upon the amount of compensation payable for the use of any such vessel, so directed to be chartered, leased, or rented, the amount of such compensation shall be such amount as may be determined by the Office of Defense Transportation to be just and equitable, subject to any applicable maximum price established by any competent government authority.

(b) The provisions of this section shall not be so construed or applied as to require any person operating a vessel to perform any transportation service, the performance of which by such person is not authorized or sanctioned by law.

§ 502.36 *Records and reports.* Every person (a) owning, chartering, subchartering, leasing, subleasing, loading, unloading, or operating a vessel, or (b) shipping, receiving, or transporting any shipment of coal by water from any port, point or place in the United States on the Atlantic Ocean and tributary waters north of and including the Hampton Roads area, to any port, point or place in the United States, or (c) shipping, receiving, or transporting any shipment of ex-dock coal, shall keep such records and make such reports as the Office of Defense Transportation shall require.

§ 502.37 *Suspension of provisions.* The provisions of this subpart or any part thereof may be suspended, from time to time, by order of the Office of Defense Transportation.

§ 502.38 *Exemptions.* The provisions of this subpart shall not apply to:

(a) The transportation of coal consigned by or to the United States or any department or agency thereof;

(b) To any vessel operated by or under the direction of the military or naval forces of the United States;

(c) The transportatioı of coal by a vessel when such coal is intended for use as bunker fuel in such vessel; or

(d) The transportation of coal to a vessel, ship, or other watercraft when such coal is intended for use as bunker fuel in such vessel, ship, or watercraft.

§ 502.39 *Communications* Communications concerning this subpart should refer to General Order ODT 15, Revised, and should be addressed to Assistant Director in Charge of Waterway Transport, Office of Defense Transportation, Washington, D. C.

Sections 502.31 and 502.32 hereof shall become effective February 1, 1943 until which time § 502.31 of General Order ODT 15, issued July 15, 1942, shall remain in full force and effect. All other sections and provisions hereof shall become effective upon the date of this subpart.

Issued at Washington, D. C. this 14th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-13330; Filed, December 14, 1942; 11:40 a. m.]

[Suspension Order ODT 15, Revised-1]

PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, SUSPENSIONS, AND PERMITS

SUBPART E—TRANSPORTATION OF COAL BETWEEN UNITED STATES PORTS ON THE ATLANTIC OCEAN

Pursuant to § 502.37 of General Order ODT 15, Revised, *It is hereby ordered,* That:

§ 522.625 *Certain provisions of General Order ODT 15, Revised, suspended.* The provisions of § 502.31 of General Order ODT 15, Revised, shall be and are hereby suspended with respect to the shipment, acceptance for shipment, forwarding, or transportation of:

(a) Coal including ex-dock coal, (1) wholly within the limits of New York Harbor and harbors contiguous thereto as defined and determined by the Interstate Commerce Commission in its order dated March 26, 1941, Ex Parte No. 140, (2) wholly within the limits of Philadelphia Harbor and harbors contiguous thereto, as defined and determined by the Interstate Commerce Commission in its order dated July 14, 1941, Ex Parte No. 145, (3) between points, ports or places in the State of Maryland, and (4) between points, ports or places in the State of Virginia;

(b) Ex-dock coal other than by water or rail carrier for distances not to exceed 35 miles when the amount of such coal so transported to any one consignee does not exceed 500 tons in any calendar month.

(E.O. 8989, 6 F.R. 6725; General Order ODT 15, Revised, *supra*)

Issued at Washington, D. C., this 14th day of December 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-13331; Filed, December 14, 1942; 11:40 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. B-337, B-341]

BLAKE MINE COMPANY AND JOE AND WALTER SOPINSKI

ORDER POSTPONING HEARINGS

In the Matter of Jasper Blake, Wendell Blake and George Blake, individually, and as co-partners, doing business under the name and style of Blake Mine Company, Code Member, and in the matter of Joe Sopinski and Walter Sopinski, individually, and as co-partners doing business under the name and style of Joe and Walter Sopinski, Code Member.

The above-entitled matters having been heretofore scheduled for hearing at 10 o'clock a. m. on January 19, 1943, at a hearing room of the Bituminous Coal Division, Post Office Building, Coshocton, Ohio; and

The Director deeming it advisable that said hearings be postponed;

Now, therefore, it is ordered, That the hearing in the Matter of Jasper Blake, Wendell Blake, and George Blake, individually and as co-partners doing business under the name and style of Blake Mine Company, be, and the same hereby is postponed to 10 o'clock a. m. on January 22, 1942, and that the hearing in the Matter of Joe Sopinski and Walter Sopinski, individually and as co-partners doing business under the name and style of Joe and Walter Sopinski, be, and the same hereby is postponed to 10 o'clock a. m. on January 23, 1943, both at a hearing room of the Bituminous Coal Division, Public Library Bldg., 2d Floor, Coshocton, Ohio.

Dated: December 11, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-13312; Filed, December 14, 1942; 11:08 a. m.]

[Docket No. B-347]

BUCKEYE COAL AND COKE COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of Buckeye Coal & Coke Company, a registered distributor, Registration No. 1203.

The Bituminous Coal Division (the "Division") finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder to determine:

(A) Whether Buckeye Coal & Coke Company, Registered Distributor, Registration No. 1203 (hereinafter sometimes referred to as the "Distributor"), whose address is 16 East Broad Street, Columbus, Ohio, has violated any provisions of the Act, the Code and orders of the Division, including the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors, and its Distributor Agreement (the "Agreement"), dated April 12, 1939, and filed by said Distributor pursuant to an Order of the National Bituminous Coal Commission, dated March 24, 1939, entered in General Docket No. 12, which was adopted and ratified as an Order of the Division of July 1, 1939, and more particularly whether subsequent to September 30, 1940, said Distributor:

1. Acting as sales agent for Thomas Fork Coal Company, a code member, whose address is Pomeroy, Ohio, sold 18,432.45 net tons of various sizes of coal produced by said code member at its Thomas Fork Mine (Mine Index No. 22) located in Meigs County, Ohio, Subdistrict No. 8 of District No. 4, to various consumers, and unlawfully accepted and retained excess sales agency commissions in the amount of $2,202.57 without there having been filed a certified copy of the agreement, if any, modifying the original sales agency agreement dated November 1, 1940, and which was filed with the Division on December 17, 1940, setting forth therein the basis for the sales agent retaining the amount of excess commissions which Buckeye Coal & Coke Company retained in said transactions, thereby wilfully participating in violations of Rules 4 and 9 of Section II of the Marketing Rules and Regulations, and paragraph (a) of the Agreement.

2. Acting as sales agent for M. C. Hobart, code member, whose address is Middleport, Ohio, sold 3,113.90 net tons of various sizes of coal produced by said code member at its Dark Hollow Mine (Mine Index No. 38) located in Meigs County, Ohio, Subdistrict No. 8 of District No. 4, to various consumers, and accepted and retained excess sales agency commissions in the amount of $329.71 without there having been filed a certified copy of the agreement, if any, modifying the original sales agency agreement, dated January 25, 1941, and which was filed with the Division on February 21, 1941, setting forth therein the basis for the sales agent retaining the amount of excess commissions which Buckeye Coal & Coke Company retained in said transactions thereby wilfully participating in violations of Rules 4 and 9 of section II of the Marketing Rules and Regulations, and Paragraph (e) of the Agreement.

(B) Whether the registration of said Buckeye Coal & Coke Company, Registered Distributor, Registration No. 1203, should be revoked or suspended or other appropriate penalties imposed.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the aforementioned Buckeye Coal & Coke Company has committed violations in the respects heretofore described and whether the registration of said distributor should be revoked or suspended, or other appropriate penalties imposed, be held at 10 a. m. on January 18, 1943, at a hearing room of the Division at the New Federal Building, Room 322, Columbus, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said distributor and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer setting forth the positions of said distributor with reference to the matters hereinbefore described, shall be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service hereof on said distributor, and that failure to file an answer herein within such period, unless the presiding officer shall otherwise order, shall be deemed to be an admission by said distributor or failing of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

Notice is also hereby given that any application or applications pursuant to § 301.132 of the Rules of Practice and Procedure Before the Division for the disposition of this proceeding without formal hearing must be filed not later than fifteen (15) days after receipt by said distributor of this Notice of and Order for Hearing.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: December 11, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-13309; Filed, December 14, 1942; 11:08 a. m.]

[Docket No. A-1735]

DISTRICT BOARD NO. 9

MEMORANDUM OPINION AND ORDER DENYING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 9 to increase the effective minimum prices for certain mines.

A petition in the above-entitled matter having been filed by District Board 9 with the Division on November 10, 1942, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that the minimum prices for coals produced at certain mines in District No. 9, for truck shipment be increased, and requesting that temporary relief be granted pending final determination of this matter; and

No reasonable showing of necessity having been presented for the granting of temporary relief herein without a hearing; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That the request for temporary relief be and the same hereby is denied without prejudice to the renewal of such request for temporary relief, upon further showing or upon the basis of the record to be made at the hearing to be held herein.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 12, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in the offices of the Division will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 7, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 9 to increase by 30 cents per net ton the effective minimum prices for coals in Size Groups 1–4, inclusive, produced for truck shipment at the Community Mine (Mine Index No. 269) of the Community Coal Company, Peach Orchard Mine (Mine Index No. 276) of the Peach Orchard Coal Company, the Jay Kay Mine (Mine Index No. 270) of Joseph Katz, and the Walden Mine (Mine Index No. 911) of the Walden Coal Company (Joe Walden), code members in Henderson County, Kentucky, District No. 9, and for temporary relief pending the final determination of this matter.

Dated: December 11, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42–13311; Filed, December 14, 1942; 11:08 a. m.]

[Docket No. B–306]

GERBER COAL COMPANY

ORDER GRANTING APPLICATION, ETC.

Order granting application filed pursuant to § 301.132 of the Rules of Practice and Procedure for disposition thereof without formal hearing, and to cease and desist.

In the matter of Gerber Coal Company, Code Member.

A complaint dated July 21, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") having been duly filed on July 23, 1942, by the Bituminous Coal Producers Board for District No. 22, a District Board (the "Complainant"), with the Bituminous Coal Division (the "Division"), alleging that the Gerber Coal Company, a code member (the "Code Member"), which operates the A. C. M. No. 4 Mine (Mine Index No. 1), located at Centerville, Montana, on the Great Northern Railway, Subdistrict No. 7 in District No. 22, wilfully violated the provisions of the Act, the Bituminous Coal Code (the "Code"), the Schedule of Effective Minimum Prices for District No. 22 For All Shipments (the "Schedule") and rules, regulations and orders promulgated by the Division pursuant to the Act, as more fully set forth in the complaint; and

Said complaint having been duly served by mail on the code member by the complainant on July 21, 1942; and

An application of the code member dated August 4, 1942, for disposition without formal hearing of this proceeding, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division having been duly filed with the Division on August 10, 1942; and

Notice of the filing of said application having been issued by the Division on August 22, 1942 and published in the FEDERAL REGISTER on August 25, 1942, and a conformed copy thereof having been duly mailed to the Complainant herein; and

Said notice of filing having provided that interested parties desiring to do so might within fifteen (15) days from the date of said notice file recommendations or requests for informal conferences with respect to such application and it appearing that no such recommendations or requests were filed with the Division within said 15 day period; and

In said application the code member (1) admits that it wilfully violated the Act, the Code, and the Schedule as alleged in the aforementioned complaint herein; (2) consents to the entry of a cease and desist order as hereinafter provided; and (3) represents that it has not to the best of its knowledge committed any vioations of the Act, the Code or rules, regulations and orders thereunder other than those violations admitted in the said application and as more particularly described in said complaint.

Now, therefore, pursuant to the authority vested in the Division by section 4 II (j) of the Act authorizing it to adjust complaints of violations and to compose differences of the parties thereto and upon the said application, filed pursuant to said § 301.132 of the Rules of Practice and Procedure, for disposition without formal hearing of the charges contained in the complaint herein, which was filed with the Division on July 23, 1942, and upon evidence in the possession of the Division, it is hereby found that:

(A) Gerber Coal Company, Great Falls, Montana, filed with the Division its Code Acceptance dated July 17, 1937, Code Membership No. 3867, and is engaged primarily in the business of mining and producing bituminous coal and operates the A. C. M. No. 4 Mine, Mine Index No. 1, located at Centerville, Montana, on the Great Northern Railway, Subdistrict No. 7 in District No. 22.

(B) Gerber Coal Company wilfully violated section 4, Part II (e) of the Act and Part II (e) of the Code, as alleged in said complaint by selling coal produced at said mine subsequent to September 30, 1940, below the effective minimum prices established therein, for rail shipment as follows:

(1) Approximately 366.9 net tons of 1″ x 0 slack coal, to the Great Northern Railway, Great Falls, Montana, during the period from October 11, 1940, to December 5, 1940, both dates inclusive, at 80 cents per net ton f. o. b. the mine whereas the effective minimum price established in the Schedule for such coal was $1.00 per net ton f. o. b. the mine;

(2) Approximately 44.15 net tons of 9″ x 6″ furnace coal, to School District No. 26, Collins, Montana, on November 20, 1940, at $3.25 per net ton f. o. b. the mine whereas the effective minimum price established in the Schedule for said coal was $3.75 per net ton f. o. b. the mine;

(3) Approximately 62.5 net tons of mixed nut coal, consisting of one-third 2″ x 1¼″ nut, invoiced at $3.25 per net ton f. o. b. the mine and two-thirds 3″ x 2″ nut, invoiced at $3.50 per net ton f. o. b. the mine, to the Graham and Ross Mercantile Company, Great Falls, Montana, on December 3, 1940, whereas the effective minimum price established in the Schedule for 2″ x 1¼″ nut coal was $3.50 and 3″ x 2″ nut coal was $3.75 per net ton f. o. b. said mine;

(4) Approximately 677.05 net tons of 6″ x 3″ egg coal, to the Anaconda Copper Mining Company, Great Falls, Montana, during the period from October 24, 1940, to August 11, 1941, both dates inclusive, at $3.25 per net ton f. o. b. the mine whereas the effective minimum price established in the Schedule for such coal was $3.50 per net ton f. o. b. the mine.

(C) Upon the basis of the violations described in paragraph (B) hereof, the code member should be directed to cease and desist from all violations of the Act, the Code, and rules, regulations and orders thereunder.

Now, therefore, on the basis of the above findings and said admissions and consent filed by Gerber Coal Company pursuant to § 301.132 of the Rules of Practice and Procedure;

It is ordered, That the said application be, and the same hereby is, granted.

It is further ordered, That the Gerber Coal Company, its representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in its behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the applicable minimum prices therefor as established in the Schedule of Effective Minimum Prices for District No. 22 For All Shipments and from violating the Bituminous Coal Act of 1937, the Bituminous Coal Code, and the rules, regulations and orders promulgated thereunder.

It is further ordered, That upon any failure to comply with the restraining provisions of this order, the Division may apply to any Circuit Court of Appeals of the United States having jurisdiction for the enforcement hereof, or may take other appropriate action.

Dated: December 11, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42–13314; Filed, December 14, 1942; 11:09 a. m.]

[Docket No. C–6]

EMERALD COAL AND COKE COMPANY

ORDER POSTPONING HEARING

In the matter of the application of Emerald Coal and Coke Company for approval of a contract for the sale of coal pursuant to rule 5 of Section VI of the Marketing Rules and Regulations.

The original petitioner in the above-entitled matter having moved that the hearing in said matter, heretofore scheduled for December 14, 1942, be postponed until January 12, 1943, and good cause having been shown why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be

postponed from December 14, 1942, until 10 o'clock in the forenoon of January 12, 1943, at the place and before the officers heretofore designated.

Dated: December 12, 1942.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 42-13310; Filed, December 14, 1942; 11:08 a. m.]

[Docket No. B-348]

PLUMMER HILL COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of the Plummer Hill Coal Company a Corporation, Code Member.

A complaint dated November 13, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on November 18, 1942, by Bituminous Coal Producers Board for District No. 4, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by The Plummer Hill Coal Company (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 20, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at the New Federal Building, Room 322, Columbus, Ohio.

It is further ordered, That W. A. Cuff, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearings on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging The Plummer Hill Coal Company, a corporation, code member, whose address is New Straitsville, Ohio, operating the Plummer Hill Mine, Mine Index No. 827, located in Coal Township, Perry County, Ohio, Subdistrict No. 5 of District No. 4, has violated section 4 II (e) of the Act and Part II (e) of the Code promulgated thereunder by disposing of and delivering to New Straitsville Brick Company, New Straitsville, Ohio, at said mine, during the period June 1, 1941 to November 16, 1941, both dates inclusive, without any compensation therefor, approximately 137 tons of 2" x 0 nut, pea and slack coal, whereas the effective minimum price for said coal was $1.65 per ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 4, for Truck Shipments, resulting in violations of section 4 II (e) of the Act and Part II (e) of the Code.

Dated: December 11, 1942.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 42-13313; Filed, December 14, 1942; 11:09 a. m.]

[Docket No. B-281]

CHARLES WHITEHURST

ORDER APPROVING AND ADOPTING PROPOSED FINDING OF FACT, ETC.

In the matter of Charles Whitehurst, Code Member.

Order approving and adopting the proposed findings of fact, proposed conclusions of law, recommendation of the examiner and order to cease and desist.

This proceeding was instituted upon a complaint duly filed with the Bituminous Coal Division on June 4, 1942, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 by District Board 10 alleging that Charles Whitehurst, a code member producer in District 10 wilfully violated the provisions of the Act, the Bituminous Coal Code, and the orders, rules and regulations of the Division, especially Order No. 312, dated February 24, 1941. The complaint prayed that the Division either cancel and revoke Whitehurst's code membership, or, in its discretion, direct him to cease and desist from violations of the Code and the regulations thereunder.

Code member filed an answer July 6, 1942, denying wilful violation of the Act and the orders, rules and regulations thereunder. He stated that in the interests of economy he had continued to use his accustomed form of scale tickets but had subsequently changed his practice to conform his records to the Division's requirements.

Pursuant to an Order of the Acting Director dated June 23, 1942, after due notice to interested persons, a hearing was held before Charles S. Mitchell, a duly designated Examiner of the Division, at a hearing room thereof in St. Louis, Missouri, on July 27, 1942. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise participate fully in the hearing. District Board 10 and code member appeared.

The Examiner submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated September 26, 1942, in which the Examiner found that code member had wilfully violated Order No. 312 of the Division and particularly sections II (a) and II (b) thereof by failing to maintain and keep on file during the period from January 1, 1942 to February 28, 1942, proper copies of truck tickets relating to sales or shipments of substantial tonnages of coal by truck from his Lloyd Mine (Mine Index No. 933) in Menard County, Illinois, in District 10, omitting from such tickets (1) the mine index number of said mine, (2) the price per net ton f. o. b. the truck or wagon at said mine, and (3) the total amount charged for the coal in each particular sale or shipment.

The Examiner recommended that an order be issued requiring said code member to cease and desist from failing to maintain and keep on file proper copies of truck tickets relating to sales or shipments of coal by truck from the Lloyd Mine or from otherwise violating Order No. 312 of the Division.

An opportunity was afforded to all parties to file exceptions to the Examiner's Report and supporting briefs and no such exceptions or supporting briefs were filed.

The undersigned has determined after a consideration of the record that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That code member, Charles Whitehurst, his representatives, agents, servants, employees, attorneys, and all persons acting or claiming to act on his behalf or interest, cease and desist and they are hereby permanently enjoined from failing to maintain and keep on file proper copies of truck tickets relating to sales or shipments of coal by truck from the Lloyd Mine (Mine Index No. 933) located in Menard County, Illinois, in District 10 or otherwise violating the Bituminous Coal Act, Bituminous Coal Code, and the rules and regulations thereunder and particularly sections II (a) and II (b) of Order No. 312.

Notice is hereby given to code member that if he fails or refuses to comply with this Order, the Division will apply to a Circuit Court of Appeals for the enforcement thereof, or otherwise proceed as authorized by the Act.

Dated: December 12, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-13308; Filed, December 14, 1942; 11:08 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Agency.

WESTERN REGION

[RCP-1941 Meagher County, Mont.-1]

1941 RANGE CONSERVATION PROGRAM BULLETIN FOR MEAGHER COUNTY, MONTANA [1]

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1941 Range Conservation Program for Meagher County, Montana, is amended as follows:

Section 5 (b) is amended to read as follows:

SEC. 5. *Eligibility for payment.* * * *

(b) *Time and manner of filing application and information required.* Payment will be made only upon application submitted through the county office on or before a date fixed by the regional director, but not later than April 30, 1942, except (1) the timely filing of an application by one person on a ranching unit shall constitute a timely filing on behalf of all persons on that ranching unit, and (2) an application for payment may be accepted if the State committee or its designated representative determines, in accordance with instructions issued by the regional director with the approval of the Administrator, that the failure to file the timely application was not due to the fault of the applicant. Applications filed under exceptions (1) and (2) above must be filed before expiration of the period for obligating the appropriation. (June 30, 1943)

The Secretary reserves the right (1) to withhold payment from any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the regional director.

At least two weeks notice to the public shall be given of the expiration of a time limit for filing prescribed forms, and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the period prescribed. Such notice shall be given by mailing the same to the office of the county committee and making copies of the same available to the press.

Done at Washington, D. C., this 11th day of December 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-13242; Filed, December 12, 1942; 11:26 a. m.]

[1] 6 F.R. 1557.

DEPARTMENT OF LABOR.

Division of Public Contracts.

MEN'S HAT AND CAP INDUSTRY

NOTICE OF OPPORTUNITY TO SHOW CAUSE

In the matter of the determination of the prevailing minimum wages in the Men's Hat and Cap Industry.

Whereas the prevailing minimum wage determination for the Men's Hat and Cap Industry, issued by the Secretary of Labor on July 28, 1937, pursuant to the provisions of section 1 (b) of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U.S.C. Supp. III, sec. 35), as amended January 24, 1938, and June 12, 1942, provides that the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of that act, for the manufacture or supply of men's hats and caps, including men's white sailor and other stitched cloth hats, men's fur-felt hats, men's uniform caps, and women's hats and caps of similar design and construction, shall be 67½ cents an hour or $27 per week of 40 hours, arrived at either upon a time or piece work basis, and that there shall be a tolerance of not more than 20 percent of the employees in any one factory, whose activities at any given time are subject to the provisions of the act, for auxiliary workers: *Provided,* That such auxiliary workers be paid not less than 37½ cents per hour or $15 per week of 40 hours, arrived at either upon a time or piece work basis: *And provided further,* That the term "auxiliary worker" when used in connection with employees in the uniform cap and in the stitched hat branches of the industry shall not be interpreted to include cutters or workers in the cutting room, machine workers, or workers on any kind of machine, blockers, pressers and hand sewers; and

Whereas the minimum wage required to be paid by the manufacturers of such men's hats and caps subject to the provisions of the Fair Labor Standards Act of 1938 is not less than 40 cents an hour pursuant to the wage orders for the Hat Industry and for the cap and cloth hat division of the Apparel Industry issued by the Administrator of the Wage and Hour Division and effective July 1, 1940, and July 15, 1940, respectively; and

Whereas it appears that substantially all employees subject to the Men's Hat and Cap Wage Determination of the Secretary are engaged in commerce or in the production of goods for commerce, as that term is defined in the Fair Labor Standards Act of 1938, and that, consequently, the aforementioned wage orders of the Administrator have had the effect of establishing not less than 40 cents per hour as the prevailing minimum wage for auxiliary workers in the Men's Hat and Cap Industry; and

Whereas the Men's Headwear Manufacturers Group, Incorporated, and the St. Louis Association of Hat and Cap Manufacturers submitted to the Administrator of the Wage and Hour and Public Contracts Divisions petitions requesting that the meaning of the words "machine workers, or workers on any kind of machine" be defined, that the term "auxiliary worker" be clarified, and that the 20 percent tolerance for auxiliary workers be increased; and

Whereas on July 17, 1942, and July 23, 1942, preliminary conferences were held for the purpose of providing an opportunity to all interested parties representing the manufacturers' associations in the Men's Hat and Cap Industry and to the trade union representing employees in that industry to participate in a discussion and analysis of the requests for relief presented by the petitioners; and

Whereas it appeared that changing conditions of production and employment in the uniform cap and stitched hat branches of the industry require that the allowance for auxiliary workers be increased; and

Whereas it appears advisable to amend the Men's Hat and Cap Wage Determination by

1. Providing that the prevailing minimum wage for auxiliary workers shall be not less than 40 cents per hour;

2. Permitting the employment of auxiliary workers in the uniform cap and stitched hat branches of the industry without limitation as to number; and

3. Clarifying the definition of the terms (a) "auxiliary workers," (b) "machine workers, or workers on any kind of machine" and (c) "cutters or workers in the cutting room," as applied to the uniform cap and stitched hat branches of the industry.

Now, therefore, notice is hereby given to all interested parties of the opportunity to show cause on or before December 31, 1942, why the Secretary of Labor should not amend the Men's Hat and Cap Wage Determination pursuant to the provisions of section 1 (b) of the Walsh-Healey Public Contracts Act so that the amended determination will read as follows:

(1) That the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 41 U.S.C. Supp. III, sec. 35) for the

manufacture or supply of men's hats and caps, including men's white sailor and other stitched cloth hats, men's fur-felt hats, men's uniform caps, and women's hats and caps of similar design and construction, shall be 67½ cents an hour or $27 per week of 40 hours, arrived at either upon a time or piecework basis;

(2) That a tolerance of not more than 20 percent of the employees in any one factory, whose activities at any given time are subject to the provisions of the Walsh-Healey Public Contracts Act be granted for auxiliary workers in the Men's Hat and Cap Industry except that there shall be no limitation on the number or proportion of auxiliary workers employed in the uniform cap and stitched hat branches of the industry: *Provided*, That any auxiliary workers in the industry shall be paid not less than 40 cents an hour or $16 per week of 40 hours, arrived at either upon a time or piecework basis;

(3) The term "auxiliary workers" as applied to the employees in the uniform cap and stitched hat branches of the industry shall include only those employees engaged in the following auxiliary occupations: clipping, label stapling, cleaning, stamping, floor girl or boy, examining, measuring, turning, packing and shipping, and separating; and it shall not include cutters or workers in the cutting room, machine workers, or workers on any kind of machine, blockers, pressers, or hand sewers;

(a) The auxiliary occupations listed in this paragraph are defined as follows:

Clipping: The operation of separating component parts of the article after they have been sewn.

Label stapling: The operation of attaching the manufacturer's tag or label to the article by a wire stapling machine.

Cleaning: The operation of removing excess threads from the article or removing stains or dust.

Stamping: The operation of stamping the head size mark on the article.

Floor girl or boy: One who carries items of work to and from the various departments.

Examining: The operation of inspecting the article for imperfections during any stage of manufacture.

Measuring: The operations of measuring bands, straps and ribbons, and cutting them apart.

Turning: The operation of turning the article inside out or outside in.

Packing and shipping: These operations are intended to include unloading stock, counting units, tying completed units into bundles of specified numbers, placing bundles into containers, closing and sealing containers, and marking containers.

Separating: The operation of separating paper from the rags whether performed in the cutting room or elsewhere.

(b) The terms, "cutters or workers in the cutting room," shall apply to and include all operations incidental to the cutting process, including (1) measuring the cloth, (2) spreading the cloth on the table, (3) placing paper in between the layers of cloth, (4) marking the cloth with any medium such as chalk or crayon, (5) cutting with machine or knife or any other means, (6) separating the paper from the cloth, (7) assorting, (8) stacking up bundles, sizes, forms, and shapes, (9) tying up cut materials into bundles, (10) marking bundles, (11) separating bundles, (12) pattern making and pattern grading; and

(c) The term, "machine", as used in the phrase, "machine workers, or workers on any kind of machine", shall apply to and mean electric power machines, foot power machines and hand operated machines, except that hand tools such as scissors used to trim threads or excess materials from a completed article or to cut tapes, ribbons, braids, and bindings are not machines as that term is used in this wage determination.

All objections, protests, or any statements in opposition to or in support of the proposed amendments should be addressed to the Administrator of the Wage and Hour and Public Contracts Divisions, Department of Labor, Washington, D. C., and should be filed with the Administrator not later than December 31, 1942. An original and four copies should be filed.

Dated: December 10, 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-13306; Filed, December 14, 1942; 11:02 a.m.]

MEN'S NECKWEAR INDUSTRY

NOTICE OF OPPORTUNITY TO SHOW CAUSE

In the matter of the determination of the prevailing minimum wage in the Men's Neckwear Industry.

Whereas, the Secretary of Labor on July 28, 1937, pursuant to the provisions of section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C., Supp. III, 35), otherwise known as the Walsh-Healey Public Contracts Act, made the following determination:

(1) That the minimum wage for employees engaged in the performance of contracts with agencies of the United States subject to the provisions of Public Act No. 846, 74th Congress, approved June 30, 1936, for the manufacture and supply of men's neckwear (exclusive of knitted neckwear) shall be 50 cents per hour, or $20.00 per week for a forty hour week arrived at either upon a time or piece work basis, and

(2) That a tolerance of not to exceed 10 percent of the workers in any one establishment shall be granted for those workers who are in fact learners, handicapped or superannuated workers, exclusive of boxers and trimmers, with an additional tolerance to persons actually employed as boxers and trimmers: *Provided*, That all such workers including learners, handicapped and superannuated workers and boxers and trimmers, be paid not less than 37.5 cents per hour or $15.00 per week for a forty hour week and not less than the piece rates paid to all other workers in the same occupational classification: *And provided further*, That all such employees be qualified for such exemption in accordance with such requirements as may be established hereafter;

and

Whereas on August 12, 1942, the Secretary of Labor issued regulations (Ti. 41, c. 2, Code of Federal Regulations, § 201.1102) permitting employment of handicapped workers at subminimum rates under the Public Contracts Act in accordance with the regulations of the Administrator of the Wage and Hour Division under the Fair Labor Standards Act, and amended all prevailing minimum wage determinations, including the Men's Neckwear Wage Determination, to provide that handicapped or superannuated workers may not be employed at subminimum rates under any other conditions; and

Whereas the minimum wage required to be paid by the manufacturers of men's neckwear subject to the provisions of the Fair Labor Standards Act of 1938 is 40 cents an hour pursuant to the wage order for the Miscellaneous Apparel Industry issued by the Administrator of the Wage and Hour Division under date of November 28, 1941; and

Whereas it appears that substantially all employees subject to the Men's Neckwear Wage Determination of the Secretary are engaged in commerce or in the production of goods for commerce as that term is defined in the Fair Labor Standards Act of 1938, and that, consequently, the aforementioned wage order of the Administrator has had the effect of establishing 40 cents per hour as the prevailing minimum wage for boxers and trimmers in the Men's Neckwear Industry; and

Whereas it appears desirable, for the purpose of coordinating the administration of the Fair Labor Standards Act of 1938 and the Public Contracts Act, to amend the Men's Neckwear Wage Determination of the Secretary to provide that learners may be employed at subminimum rates in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division (Regulations, Title 29, chapter V, Part 522); and

Whereas the Men's Neckwear Wage Determination of the Secretary has been interpreted to apply to the manufacture and supply of women's ties of design and construction similar to the men's neckwear expressly mentioned in the determination, and it appears desirable to clarify the language of the determination by expressly mentioning such women's ties,

Now, therefore, notice is hereby given to all interested parties of the opportunity to show cause on or before December 31, 1942, why the Secretary of Labor should not make the following determination pursuant to the provisions of section 1 (b) of the Act of June 30, 1936, Pub. No. 846, 74th Congress (49 Stat. 2036; 41 U.S.C. Supp. III, sec. 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act:

(1) That the minimum wage for employees engaged in the performance of contracts with agencies of the United States subject to the provisions of Public Act No. 846, 74th Congress, approved June 30, 1936, for the manufacture and supply of men's neckwear (exclusive of knitted neckwear) and of women's ties of design and construction similar to such men's neckwear is 50 cents per hour or $20.00 per week for a 40-hour week arrived at either upon a time or piece work basis: *Provided*, That learners may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act which are hereby adopted for the purposes of this determination, and

(2) That a tolerance of not to exceed 10 percent of the workers in any one establishment shall be granted for persons actually employed as boxers and trimmers: *Provided*, That such boxers and trimmers be paid not less than 40 cents per hour or $16.00 per week for a 40-hour week and not less than the piece rates paid to all other workers in the same occupational classification: *And pro-*

vided further, That they be qualified for such exemption in accordance with such requirements as may be established hereafter.

All objections, protests, or any statements in opposition to or in support of the proposed amendments should be addressed to the Administrator, Wage and Hour and Public Contracts Division, Department of Labor, Washington, D. C., and should be filed with the Adminstrator not later than Decemeber 31, 1942. An original and four copies should be filed.

Dated: December 10, 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-13307; Filed, December 14, 1942; 11:02 a. m.]

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of Special Certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940, (5 F.R. 3591)

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1940 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302)

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 14, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

Esta Hat Company, 77 St. Francis St., Newark, New Jersey; Novelty Headwear; 2 learners (T); December 14, 1943.

Hunter Brothers Company, Inc., Statesville, North Carolina; Men's and Boys' Underwear, Navy Shorts; 5 learners (T); December 14, 1943.

Tailors Service Co., 417 Hennepin Ave., Minneapolis, Minnesota; Men's Clothes; 5 learners (T); December 14, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Acme Underwear Company, Inc., 429 Raritan Ave., New Brunswick, New Jersey; Children's Underwear and Pajamas; 7 learners (T); December 14, 1943.

Adirondack Manufacturing Corp., 63 Hudson Avenue, Albany, New York; Gaberdine Coats, Sportswear, Raincoats; 10 learners (T); December 14, 1943.

Albern Manufacturing Co., 61 Ponagansett Ave., Providence, R. I., Boys' Cotton Shirts; 10 percent (T); December 14, 1943.

Archbald Sewing Company, Cherry St., Archbald, Pennsylvania; Children's Dresses; 30 learners (E); June 14, 1943.

Bailey & Himes, Inc., 606 E. Green, Champaign, Illinois; Boys' Gymnasium Suits, Girls' Gymnasium Suits and Chenille Emblems; 5 learners (T); December 14, 1943.

Freeburg Mfg. Company, Freeburg, Illinois; Dresses; 10 learners (T); December 14, 1943.

Hirsch Shirt Corporation, 730 Hoffman Street, Hammond, Indiana; Men's Dress and Sport Shirts; 10 percent (T); December 14, 1943.

Kehr-Edelmann Company, 2200 West St., Union City, New Jersey; Bandeaux and Brassieres; 16 learners (T); December 14, 1943.

La Paree Undergarment Co., Inc., 5 Johnson Ave., Matawan, New Jersey; Children's Underwear; 10 learners (T); December 14, 1943.

MacLaren Sportswear Company, Second & Alder Sts., Philipsburg, Penn.; Army Trousers; 10 percent (T); December 14, 1943.

Majestic Manufacturing Co., Inc., 192 Cain St., N. W. Atlanta, Georgia; Ladies' Wash Dresses; 10 percent (T); December 14, 1943.

Marlin Manufacturing Company, Aurora, Missouri; Work shirts; 10 learners (T); December 14, 1943.

N & W Overall Company, Inc., Kemper St., Lynchburg, Virginia; Overalls, Shirts, Pants, Gov't Shirts, H. B. Jackets and working shirts; 10 percent (T); December 14, 1943.

C. A. Neuburger Company, 908–916 S. Main St., Oshkosh, Wisconsin; Ladies' Wash Dresses, Cotton Defense Uniforms, Housecoats, etc.; 10 percent (T); December 14, 1943.

Pinckneyville Mfg. Company, Pinckneyville, Illinois; Dresses; 10 percent (T); December 14, 1943.

Reliance Mfg. Company, 16th & Lincoln Streets, Tyrone, Pennsylvania; Cotton Work Shirts, Navy Cotton Trousers; 10 percent (T); December 14, 1943.

Jos. Rogow & Sons, Inc., 4701 Liberty Ave., Pittsburgh, Pennsylvania; Trousers, Coats, Dresses, Aprons; 10 learners (T); June 29, 1943. (This certificate replaces the certificate bearing the expiration date of June 29, 1943 authorizing employment of five learners at subminimum wage rates.)

Sel-Mor Garment Company, 1136 Washington St., St. Louis, Missouri; Ladies' Underwear; 10 percent (T); December 14, 1943.

M. Setlow & Son, Inc., 131 Chestnut St., New Haven, Conn.; Overalls, Work Coats and Aprons, Work Pants, U. S. Army Work Suits; 10 learners (T); December 14, 1943.

Tenbroeck Dresses, Inc., 66 Ten Broeck Avenue, Kingston, New York; Dresses; 10 learners (T); December 14, 1943.

Union Pants Manufacturing Co., Spring & Ann Sts., Bordentown, N. J.; Work and Dress Trousers; 10 percent (T); December 14, 1943.

Wee Tog Manufacturing Company, Amber & Willard Sts., Philadelphia, Penn.; Children's Dresses; 10 percent (T); December 14, 1943.

Glove Industry

Newton Glove Manufacturing Co., Ashe Avenue, Newton, North Carolina; Work Gloves; 5 percent (T); December 14, 1943.

Waldorf Knitting, Inc., 243 West 17th Street, New York, New York; Knit Wool Gloves; 10 percent (T); December 14, 1943.

Hosiery Industry

Baker-Mebane Hosiery Mills, Highway 103, Mebane, North Carolina; Seamless Hosiery; 5 percent (T); December 10, 1943. (This Certificate Effective December 10, 1942 and expiring December 10, 1943.)

Crescent Knitting Company, Armfield Street, Statesville, North Carolina; Seamless Hosiery; 5 percent (T); December 14, 1943.

Cumberland Manufacturing Co., Inc., Cumberland Homesteads, Crossville, Tennessee; Full Fashioned Hosiery; 5 percent (T); December 14, 1943.

Francis-Louise Full Fashion Mills, Inc., Valdese, North Carolina; Full Fashioned Hosiery; 5 learners (T); December 14, 1943.

Josephine Mills, Inc., Elizabeth Drive, Marion, North Carolina; Seamless Hosiery; 5 percent (T); December 14, 1943.

Kenmore Hosiery Company, Fredericksburg, Virginia; Full Fashioned Hosiery; 5 percent (T); December 14, 1943.

Penderlea Manufacturing Co., Inc., Penderlea Farms, Willard, North Caroline; Full Fashioned Hosiery; 5 percent (T); December 14, 1943.

Red House Manufacturing Co., Inc., Red House Farmsteads, Eleanor, W. Va.; Full Fashioned Hosiery; 5 percent (T); December 14, 1943.

Skyline Manufacturing Co., Inc., Skyline Farms, Scottsboro, Alabama; Full-Fashioned Hosiery; 5 percent (T); December 14, 1943.

Knitted Wear Industry

Clifton Underwear Mills, Inc., 173 Beechwood Ave., New Rochelle, New York; Knitted Rayon Underwear; 5 learners (T); December 14, 1943.

Kain-Murphey Corp., Manufacturers Road, Chattanooga, Tennessee; Knit Underwear; 5 percent (T); December 14, 1943.

Signal Knitting Mills, Manufacturers Road, Chattanooga, Tennessee; Knit Underwear; 5 percent (T); December 14, 1943.

Textile Industry

Georgia Webbing and Tape Company, 1340 11th Ave., Columbus, Georgia; Cotton; 3 percent (T); December 14, 1943.

Radford Weaving Company, Norwood Street, Radford, Virginia; Yarn & Thread; 3 percent (T); December 14, 1943.

The Springs Cotton Mills-Lancaster Plant, Lancaster, South Carolina; Print Goods; 3 percent (T); December 14, 1943. (This certificate replaces the one bearing the expiration date of May 4, 1943.)

Tennessee Knitting Mills, Inc., Pulaski Highway, Columbia, Tennessee; Thread; 3 percent (T); December 14, 1943.

Union Manufacturing Company, Union Point, Georgia; Yarns & Hosiery; 3 learners (T); December 14, 1943.

Signed at New York, N. Y. this 12th day of December 1942.

MERLE D. VINCENT,
Authorized Representative, of the Administrator.

[F. R. Doc. 42-13304; Filed, December 14, 1942; 10:58 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of Special Certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective December 14, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Royal Manufacturing Company, Alburtis, Pennsylvania; Shorts, Athletic Shirts; 5% productive factory workers; 320 hours for any one learner; 25¢ per hour; to be employed in the occupation of machine operator, machine knitter, hand sewer and Presser; December 14, 1943.

Canvas Products Corporation, 19–23 E. McWilliams St., Fond du Lac, Wisconsin; Canvas Products; 9 learners; 320 hours for any one learner; 30 cents per hour; To be employed as Sewing Machine Operator and Presser; April 19, 1943.

Signed at New York, N. Y., this 12th day of December 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-13305; Filed, December 14, 1942; 10:58 a. m.]

DAKOTA RABBIT AND FUR CO.

APPLICATION FOR EXEMPTION, ETC.

In the matter of the application for the exemption of the skinning of wild rabbits and other wild fur bearing animals from the maximum hours provisions of the Fair Labor Standards Act of 1938 pursuant to section 7 (b) (3) of the Act and Part 526 as amended of the regulations issued thereunder.

Whereas, an application was received from the Dakota Rabbit and Fur Company of Sioux Falls, South Dakota, for the exemption of the skinning of wild rabbits and other wild fur bearing animals in wild rabbit skinning establishments from the maximum hours provisions of the Fair Labor Standards Act of 1938 pursuant to section 7 (b) (3) of the Act and Part 526, as amended, of the regulations issued thereunder; and

Whereas, it appeared from said application and upon further investigation that:

1. Owing to natural conditions, wild rabbits and other wild fur bearing animals are available for skinning only during the cold weather months, from about November 15 of each year to about March 15 of the following year, when the fur or pelt is prime; and

2. Wild rabbit skinning establishments receive the carcasses of wild rabbits and occasionally the carcasses of other wild fur bearing animals, skin them, and prepare the pelts for shipment to market only during a regularly recurring season of the year when the pelts are prime, from about November 15 of each year to about March 15 of the following year; and

3. Wild rabbit skinning establishments cease operations during the remainder of the year except for such work as maintenance, repair, clerical, and sales work;

Whereas, on November 13, 1942, the Administrator of the Wage and Hour Division caused to be published in the FEDERAL REGISTER a notice which set forth the foregoing and which stated that (a) upon consideration of the facts presented by the application and upon further investigation, the Administrator determined, pursuant to § 526.5 (b) (ii) of the regulations, that a *prima facie* case had been shown for the granting of an exemption as an industry of a seasonal nature pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder, to the skinning of wild rabbits in wild rabbit skinning establishments, and the skinning of other wild fur bearing animals such as skunk, muskrat, mink, and beaver, in wild rabbit skinning establishments during the wild rabbit skinning season; that (b) in accordance with the procedure established by § 526.5 (b) (ii) of the regulations, Part 526, as amended, the Administrator, for 15 days following the publication of this determination, would receive objection to the granting of the exemption and request for hearing from any person interested, and upon receipt of objection and request for hearing, the Administrator would set the application for hearing before himself or an authorized representative; and that (c) if no objection and request for hearing was received within 15 days, the Administrator would make a finding upon the *prima facie* case;

Whereas, no objection and request for hearing was received by the Administrator within the said 15 days;

Now, therefore, pursuant to § 526.5 (b) (ii) of the regulations, as amended, the Administrator hereby finds upon the *prima facie* case shown in the said application that the skinning of wild rabbits in wild rabbit skinning establishments, and the skinning of other wild fur bearing animals such as skunk, muskrat, mink, and beaver, in wild rabbit skinning establishments during the wild rabbit skinning season is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and the regulations issued thereunder, and, therefore, is entitled to the exemption provided in section 7 (b) (3) of the said Act.

As used in this determination the term "skinning of wild rabbits in wild rabbit skinning establishments and the skinning of other wild fur bearing animals" includes the operations of collecting or receiving the carcasses of these animals, or occasionally, the pelts of these animals which have not been cleaned, scraped or dried, and it includes the removing of the pelts from the carcasses, cleaning, scraping and drying the pelts, baling the pelts for shipment and all operations immediately necessary and incident to these enumerated operations. It does not include these operations when performed on domesticated rabbits or other fur bearing animals raised in captivity.

Signed at New York, New York, this 11th day of December 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-13302; Filed, December 14, 1942; 10:58 a. m.]

PENS AND PENCILS MANUFACTURING INDUSTRY

HEARING ON MINIMUM WAGE RECOMMENDATION

Notice of hearing on the minimum wage recommendation of Industry Committee No. 52 for the Pens and Pencils Manufacturing Industry to be held January 12, 1943.

Whereas, the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938 on November 4, 1942, by Administrative Order No. 168 appointed Industry Committee No. 52 for the Pens and Pencils Manufacturing Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas, Industry Committee No. 52, on November 30, 1942, recommended a minimum wage rate for the Pens and Pencils Manufacturing Industry and duly adopted a report containing such recommendations and reasons therefor and filed such report with the Administrator on December 1, 1942, pursuant to section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas, the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 52 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing and taking into consideration the same factors as are required to be considered by the industry committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 52 is as follows:

Wages at a rate of not less than 40 cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Pens and Pencils Manufacturing Industry (as defined in Administrative Order No. 168) who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Pens and Pencils Manufacturing Industry as set forth in Administrative Order No. 168, issued November 4, 1942, is as follows:

The manufacture of pens and pencils, including, but without limitation, fountain pens, fountain pen desk sets, stylographic pens, pen holders, pen parts, nibs, lead pencils, crayon pencils, mechanical pencils, pencil leads, pencil parts, all types of crayons, and the related products made or assembled in pen and pencil manufacturing establishments.

The definition of the pens and pencils manufacturing industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That such clerical, maintenance, shipping and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this definition: *Provided, further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. The full text of the report and recommendation of Industry Committee No. 52 is and will be available for inspection by any person between the hours of 9:00 a. m. and 4:00 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Old South Building, 294 Washington Street.
New York, New York, 341 Ninth Avenue.
Newark, New Jersey, Essex Building, 31 Clinton Street.
Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets.
Pittsburgh, Pennsylvania, Clark Building, Liberty Avenue and Seventh Street.
Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.
Baltimore, Maryland, 201 North Calvert Street.
Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.
Columbia, South Carolina, Federal Land Bank Building, Hampton and Marion Streets.
Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street NE.
Jacksonville, Florida, 456 New Post Office Building.
Birmingham, Alabama, 1007 Comer Building, 2nd Avenue and 21st Street.
New Orleans, Louisiana, 916 Union Building.
Jackson, Mississippi, 404 Deposit Guaranty Bank Building, 102 Lamar Street.
Nashville, Tennessee, 509 Medical Arts Building, 115 Seventh Avenue, N.
Cleveland, Ohio, Main Post Office, West 3rd and Prospect Avenue.
Cincinnati, Ohio, 1312 Traction Building, 5th and Walnut Streets.
Detroit, Michigan, David Scott Building, 1150 Griswold Street.
Chicago, Illinois, 1200 Merchandise Mart, 222 West North Bank Drive.
Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.
Kansas City, Missouri, 504 Title and Trust Building, 10th and Walnut Streets.
St. Louis, Missouri, 316 Old Customs House.
Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.
Dallas, Texas, Rio Grande National Building, 1100 Main Street.
San Francisco, California, 500 Humboldt Bank Building, 785 Market Street.
Los Angeles, California, 417 H. W. Hellman Building.
Seattle, Washington, 305 Post Office Building, 3rd Avenue and Union Street.
San Juan, Puerto Rico, Post Office Box 112.
Washington, District of Columbia, Department of Labor, 1st Floor.
New York, New York, 165 West 46th Street.

Copies of the committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

IV. A public hearing will be held on January 12, 1943, before Major Robert N. Campbell, Presiding Officer, at 10:00 a. m. in room 1610, 165 West 46th Street, New York, New York, for the purpose of taking evidence on the following question:

Whether the recommendation of Industry Committee No. 52 should be approved or disapproved.

V. Any interested person supporting or opposing the recommendation of Industry Committee No. 52 may appear at the aforesaid hearing to offer evidence, either on his behalf or on behalf of any other person: *Provided,* That not later than January 6, 1943, such person shall file with the Administrator at New York, New York, a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 52.
4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 52 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, or by consulting with attorneys representing the Administrator who will be available for that purpose at the Office of the Solicitor, United States Department of Labor, in Washington, D. C., and New York, New York.

VII. Copies of the following document relating to the Pens and Pencils Manufacturing Industry will be made available on request for inspection by any interested person who intends to appear at the aforesaid hearing:

Report entitled, *Economic Factors Bearing on the Establishment of Minimum Wages in the Pens and Pencils Manufacturing Industry,* prepared by the Economics Branch, Wage and Hour Division, United States Department of Labor, November 1942.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Presiding Officer as are deemed appropriate.

1. The hearings shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.
2. In order to maintain orderly and expeditious procedure, each person filing a

Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice, he will not be permitted to offer evidence at any other time except by special permission of the Presiding Officer.

3. At the discretion of the Presiding Officer, the hearing may be continued from day to day, or adjourned to a later date, or to a different place by announcement thereof at the hearing by the Presiding Officer, or by other appropriate notice.

4. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the Presiding Officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the Presiding Officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the Presiding Officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be put in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The Presiding Officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person insofar as is practicable, and to object to the admission or exclusion of evidence by the Presiding Officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the Presiding Officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the Presiding Officer.

12. Before the close of the hearing, the Presiding Officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the Presiding Officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing, the Presiding Officer shall forthwith file a complete record of the proceedings with the Administrator. The Presiding Officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at New York, New York, this 11th day of December 1942.

L. METCALF WALLING,
Administrator.

[F. R. Doc. 42-13303; Filed, December 14, 1942; 10:58 a.m.]

FEDERAL POWER COMMISSION.

[Docket No. G-230]

TENNESSEE GAS AND TRANSMISSION COMPANY

ORDER CHANGING DATE OF HEARING

DECEMBER 11, 1942.

It appearing to the Commission that pursuant to previous orders a hearing in the above-entitled proceeding was set for December 15, 1942, in the Hearing Room of the Railroad and Public Utilities Commission of the State of Tennessee, at Nashville, Tennessee;

The Commission, upon its own motion, orders that:

The hearing in this proceeding be held beginning on January 18, 1943, at 9:45 a. m., in the Hearing Room of the Railroad and Public Utilities Commission of the State of Tennessee, War Memorial Building, Nashville, Tennessee.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-13295; Filed, December 14, 1942; 10:34 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 234]

TRADE-MARKS, COMMERCIAL PRINTS AND LABELS OF ROBERT BOSCH, G. m. b. H.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation, finding that the property described herein is property in which nationals of a foreign country or countries have interests, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States; such property being described as follows:

The trade-marks registered in the United States Patent Office under the numbers and on the dates set out in Exhibit A attached hereto and made a part hereof, the titles to which stand of record in the names of persons as stated in connection with each registration listed in said Exhibit, the last known address of all of which persons are in Germany, and all of whom are nationals of Germany, and the registrations thereof together with the respective good will of the business in the United States and all its possessions, to which said trade-marks are appurtenant, and any and all indicia of such good will (including but not limited to formulae, whether secret or not, secret processes, methods of manufacture and procedure, customers lists, labels, machinery and other equipment) and any interest of any nature whatsoever in and any rights and claims of every character and description to said business, good will and trade-marks and registrations thereof, including without limitation all accrued royalties payable or held with respect to said trade-marks and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof; and

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof in and to the commercial prints and labels, registrations of copyright therein, the numbers of which are listed in Exhibit B attached hereto and made a part hereof and the titles to which stand of record in the Library of Congress Copyright Office in the names of persons as stated in connection with each commercial print or label listed in said Exhibit, the last known addresses of all of which persons are in Germany, and all of whom are nationals of Germany.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 14, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Trade-marks which are identified as follows and the titles to which stand of record in the United States Patent Office in the names of the registrants indicated respectively, except where other record owner is shown:

Trade-Mark Reg. No.	Date	Registrant	Character of Goods
363, 528	12/27/38	Robert Bosch G. m. b. H.	Glow plugs used with i. c. engines, etc.
363, 529	12/27/38	Robert Bosch G. m. b. H.	Fuel supply pumps, filters, etc.
153, 640	3/28/22 (renewed)	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Oil pumps for lubricating motors, etc.
161, 390	11/14/22	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Certain electrical apparatus.
187, 960	8/12/24	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Magneto-electric ignition systems, etc.
198, 925	5/26/25	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Carburetors, fuel pumps, etc.
263, 502	11/5/29	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Carburetors and fuel injection devices.
293, 203	4/12/32	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Electric lighting and starting systems.
266, 720	1/28/30	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Lubricating devices.
284, 429	6/23/31	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Lubricating devices and parts.
296, 379	8/ 2/32	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Magneto-electric ignition systems.
304, 917	7/18/33	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Magneto-electric and battery ignition systems.
309, 821	1/30/34	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Brakes and equipment for brakes, etc.
316, 488	8/28/34	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Ignition systems, electrical lighting, etc.
317, 491	9/25/34	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Spark plugs and insulators.

EXHIBIT B

Commercial prints and labels which are identified as follows and the titles to which stand of record in the Library of Congress Copyright Office in the names of the registrants indicated respectively, except where other record owner is shown:

Label No.	Date	Registrant	Character of goods
27, 023	3/4/24	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Spark plugs and accessories.
28, 350	3/3/25	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Warning devices: Horns.
28, 635	5/12/25	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Hydrometers.
30, 154	4/16/26	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Hydrometers.
32, 275	6/14/27	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Spark Plugs.
34, 294	7/17/28	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Windshield Wipers.
Print No. 7, 862	3/17/25	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Electric headlights, amps, etc.
7, 850	3/10/25	Robert Bosch A. G. Record title in Robert Bosch G. m. b. H.	Magneto-Electric ignition apparatus.

[F. R. Doc. 42–13158; Filed, December 11, 1942; 10:37 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Correction to Order 92 Under MPR 120]

L. W. RICHARDS

AMENDMENT OF ORDER GRANTING ADJUSTMENT

Correction to Order No. 92 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120–130.

The words, "doing business as the Jackson Coal Company," should be deleted wherever they occur in Order No. 92 under Maximum Price Regulation No. 120 and in the opinion which accompanies it.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13210; Filed, December 11, 1942; 2:37 p. m.]

[Order 100 Under MPR 120 [1]]

ALBRIGHT COAL COMPANY

ORDER GRANTING ADJUSTMENT, ETC.

Order No. 100 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 1120–78–P—Granting adjustment and denial of protest insofar as relief is not granted.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120; *It is hereby ordered:*

(a) *Granting adjustment.* (1) Coals in Size Groups 6 and 8 produced by the Albright Coal Company, P. O. Box No. 1973, Pittsburgh, Pennsylvania, at its Vivian Mine (Mine Index No. 188), District No. 3 may be sold and purchased for shipment by rail at prices per net ton, f. o. b. the mine, not to exceed $2.60 and $2.30, respectively;

(2) Paragraph (a) of this Order No. 100 may be revoked or amended by the Price Administrator at any time;

(3) Within 30 days from the effective date of this Order, the said Albright Coal Company shall inform all persons purchasing its coal of the adjustments granted in this Order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122;

(b) *Denial of protest except insofar as relief is granted by this Order No. 100.* The protest filed by the said Albright Coal Company against the provisions of Maximum Price Regulation No. 120 and assigned Docket No. 1120–78–P is hereby denied except insofar as relief is granted in paragraph (a) of this Order No. 100.

(c) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(d) This Order No. 100 shall become effective December 12, 1942.

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13211; Filed, December 11, 1942; 2:40 p. m.]

[Order 101 Under MPR 120 [1]]

PRESTON COUNTY COKE COMPANY

ORDER GRANTING ADJUSTMENT, ETC.

Order No. 101 Under Maximum Price Regulation No. 120—Bituminous Coal

[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6265, 6272, 6472, 6325, 6524, 6744, 6896, 7777, 7670, 7914, 7942, 8354, 8650, 8948.

Delivered From Mine or Preparation Plant—Docket No. 1120–74–P—Granting adjustment and denying protest insofar as relief is not granted.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, *It is ordered:*

(a) *Granting adjustment.* (1) The Preston County Coke Company, Cascade, West Virginia, may sell and deliver, and any person may buy and receive, for shipment by rail the bituminous coal in Size Groups 6, 7 and 8 produced at its Hawley No. 1 Mine (Mine Index No. 72), its Cascade Mine (Mine Index No. 33), and its Bull Run Mine (Mine Index No. 1285), all of District No. 3, at prices per net ton f. o. b. the mine, not to exceed $2.45, $2.35 and $2.35, respectively:

(2) The said Preston County Coke Company may sell and deliver, and any person may buy and receive, for use as railroad fuel the bituminous coal in Size Groups 6 to 10, inclusive, produced at its said mines at prices per net ton, f. o. b. the mine, not to exceed $2.30 for Size Group 6 and $2.20 for each of Size Groups 7 to 10 inclusive.

(3) Paragraph (a) of this Order No. 101 may be revoked or amended by the Price Administrator at any time;

(4) Within 30 days from the effective date of this order, the said Preston County Coke Company shall inform all persons purchasing its coal of the adjustments granted in this order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the esale of coal, the adjustments granted by this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122;

(b) *Denial of protest except insofar as relief is granted by this Order No. 101.* The protest filed by the Preston County Coke Company against the provisions of Maximum Price Regulation No. 120 and assigned Docket No. 1120–74–P is hereby denied except insofar as relief is granted in paragraph (a) of this Order No. 101;

(c) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(d) This order No. 101 shall become effective December 12, 1942.

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F.R. Doc. 42–13212; Filed December 11, 1942; 2:37 p. m.]

[Order 102 Under MPR 120 [1]]

REITZ COAL COMPANY

ORDER GRANTING ADJUSTMENT, ETC.

Order No. 102 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 1120–147–P—Granting adjustment to Reitz Coal Company and closing protest docket.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (d) of Maximum Price Regulation No. 120; *It is hereby ordered:*

(a) (1) Coals in Size Group 3 produced by Reitz Coal Company, Windber, Pennsylvania, at its Reitz No. 4 Mine, Mine Index No. 423, in District No. 1, may be sold for railroad fuel use to the Monongahela Connecting Railroad at a price not to exceed $2.80 per net f. o. b. the mine.

(2) Coals in Size Group 1 produced by Reitz Coal Company, Windber, Pennsylvania, at its Reitz No. 5 Mine, Mine Index No. 424, District No. 1, may be sold for railroad fuel use to the Morristown and Erie Railroad at a price not to exceed $3.05 per net ton f. o. b. the mine.

(b) This Order No. 102 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(d) Inasmuch as this Order No. 102 and Amendment No. 21 [2] to Maximum Price Regulation No. 120 together grant all the relief requested in the protest which has been assigned Docket No. 1120–147–P, said protest docket is hereby closed.

(e) This Order No. 102 shall become effective December 12, 1942.

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13213; Filed, December 11, 1942; 2:34 p. m.]

[Order 103 Under MPR 120 [1]]

BLUE DIAMOND COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 103 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120–215.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (d) of Maximum Price Regulation No. 120; *It is ordered:*

(a) The 2" x 0 nut and slack coal produced by the Blue Diamond Coal Company, Knoxville, Tennessee, at its Westbourne Mine (Mine Index No. 1488), District No. 8, may be sold to the Georgia Railroad for stationary boiler fuel at prices not to exceed $2.25 per net ton, f. o. b. the mine;

(b) This Order No. 103 may be revoked or amended by the Price Administrator at any time;

(c) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(d) This Order No. 103 shall become effective December 12, 1942.

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13214; Filed, December 11, 1942; 2:37 p. m.]

[Order 104 Under MPR 120 [1]]

SPRINGBROOK MINING COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 104 Under Maximum Price Regulation No. 120 — Bituminous Coal Delivered From Mine or Preparation Plant—Docket No 3120–251.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals produced by Springbrook Mining Company at its Springbrook Mine, Mine Index No. 33, in District No. 23, may be sold and purchased for shipment by truck or wagon at prices not to exceed $6.00, $5.35, $4.60, and $4.85 per net ton in Size Groups 2, 10, 16 and 18, respectively, f. o. b. the mine;

(b) Within thirty (30) days from the effective date of this order the said Springbrook Mining Company shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122.

(c) This Order No. 104 may be revoked or amended by the Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.-

[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5835, 6169, 6218, 6265, 6272, 647^, 6325, 6524, 6744, 6896, 7777, 7670, 7914, 7942, 8354, 6850, 8948.

[2] 7 F.R. 6325.

208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(e) This Order No. 104 shall become effective December 12, 1942.

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13215; Filed, December 11, 1942; 2:39 p. m.]

[Order 81 Under MPR 188]

E. V. CRANDALL OIL AND PUTTY MFG. CO., INCORPORATED

ORDER GRANTING ADJUSTMENT

Order No. 81 Under § 1499.161 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket No. GF3-2402.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250: *It is ordered:*

(a) E. V. Crandall Oil and Putty Mfg. Co., Incorporated, 1105 Metropolitan Avenue, Brooklyn, New York, is hereby authorized to sell to all persons, and such persons are authorized to buy putty and caulking compound manufactured by it, and more specifically described below, at prices not in excess of those set forth below:

MAXIMUM PRICES OF PUTTY PER 100 POUNDS

Grade	100 pound drums	50 pound drums	25 pound cans	12½ pound cans	Friction top cans		
					5 pound	2 pound	1 pound
Commercial putty	2.70	3.05	3.40	3.60	3.80	4.70	5.20
Standard putty	3.15	3.50	3.85	4.05	4.25	5.15	5.65
Newton putty	3.65	4.00	4.35	4.55	4.75	5.65	6.15
Standard 10% white lead putty	4.65	5.00	5.35	5.55	5.75	6.65	7.15
Linseed oil putty, guaranteed	4.70	5.05	5.40	5.60	5.80	6.70	7.20
Linseed oil 10% white lead putty	5.70	6.05	6.40	6.60	6.80	7.70	8.20
Higrade primeless putty	4.50	4.85	5.20	5.40	5.60	6.50	7.00
Elastic glazing compound	5.70	6.05	6.40	6.60	6.80	7.70	8.20
Gem steel sash putty	4.85	5.20	5.55	5.75	5.95	6.85	7.35
Metro steel sash putty	4.50	4.85	5.20	5.40	5.60	6.50	7.00
Oxford steel sash putty	3.80	4.15	4.50	4.70	4.90	5.80	6.30
	Pint	*Quart*	*½ gal.*	*1 gal.*	*5 gal.*		
Crandalite caulking compound	.25	.40	.65	1.15	.95 gal.		

Colored putty add 50¢ per cwt. to grade desired.
Terms: f. o. b. New York, 30 days net; 2% ten days.

(b) All applicable discounts, price differentials, terms and conditions of sale and other trade and freight practices, except as specifically set forth above, in force for E. V. Crandall Oil and Putty Mfg. Co., Incorporated, in March 1942, shall be maintained unless the discontinuance or modification thereof results in a lower price.

(c) Within twenty days of the effective date of this order, E. V. Crandall Oil and Putty Mfg. Co., Incorporated, shall advise all persons purchasing its products, described above, of the terms of this order and shall inform them of the maximum prices fixed for each such commodity.

(d) Nothing in this order shall be deemed to permit adjustment of maximum prices for any seller of the commodities listed in paragraph (a) other than E. V. Crandall Oil and Putty Mfg. Co., Incorporated.

(e) All prayers of the application not granted herein are denied.

(f) This Order No. 81 may be revoked or amended by the Price Administrator at any time.

(g) This Order No. 81 shall become effective December 12, 1942.

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13209; Filed, December 11, 1942; 2:41 p. m.]

[General Order 39]

DELEGATION OF AUTHORITY CONCERNING REGULATIONS APPLICABLE IN HAWAII

Delegation to Regional Administrator for Region IX of authority to sign, issue, modify and amend maximum price regulations applicable in the Territory of Hawaii.

Pursuant to the authority conferred upon the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, the following order is prescribed:

(a) *Order delegating to the Regional Administrator for Region IX authority to sign, issue, modify and amend maximum price regulations applicable in the Territory of Hawaii.* (1) The Regional Administrator for Region IX is authorized to sign, issue, modify and amend maximum price regulations and statements of considerations in accordance with the provisions and standards of the Emergency Price Control Act of 1942, as amended, insofar as such regulations are applicable in the Territory of Hawaii, and is authorized to delegate the authority, or part thereof, to the Territorial Director for the Territory of Hawaii.

(b) This General Order No. 39 shall take effect December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13203; Filed, December 11, 1942; 2:34 p. m.]

[Order 1 Under MPR 33]

AVONDALE MILLS, ET AL.

ORDER GRANTING ADJUSTMENT

Order No. 1 under Maximum Price Regulation No. 33—Carded Cotton Yarns and the Processing Thereof—Docket Nos. 3033-1, 3033-2 and 3033-4—Granting adjustment to Avondale Mills, Cross Cotton Mills Company and Linn Mills Company.

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

(a) On and after September 28, 1942, Avondale Mills, Cross Cotton Mills Company and Linn Mills Company, herein called the Petitioners, may sell and deliver and any person may purchase and receive double-carded cotton yarns at a price not in excess of the maximum price fo base-grade yarn of the same number and ply as set forth in Maximum Price Regulation No. 33 plus 1½ cents per pound.

(b) Except for the adjusted maximum prices granted herein, sales of double-carded cotton yarns by the Petitioners shall be subject in all other respects to the provisions of Maximum Price Regulation No. 33.

(c) For the purposes of this order the term "double-carded yarn" means, with respect to each of the companies listed above, yarns which have been subjected to the manufacturing processes in the manner described by each such company, respectively, in its petition filed with the Office of Price Administration.

(d) This Order No. 1 may be revoked or amended at any time by the Office of Price Administrator.

(e) This Order No. 1 shall become effective September 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13197; Filed, December 11, 1942; 2:34 p. m.]

[Order 3 Under RPS 60]

THE DEFENSE SUPPLIES CORPORATION

ORDER GRANTING APPROVAL

Order No. 3 under Revised Price Schedule No. 60—Direct Consumption Sugars.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as

amended, Executive Order No. 9250 and § 1334.61 (b) of Maximum Price Regulation No. 60, *It is hereby ordered:*

(a) Defense Supplies Corporation and its designee or designees may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the sugar set forth in paragraph (b) of this Order No. 3 at prices not in excess of those stated therein. Any person may buy and receive, and agree, offer, solicit and attempt to buy and receive, such sugars at such prices from Defense Supplies Corporation and its designee or designees.

(b) Fine granulated sugar processed by cane sugar refineries in the state of Maryland shall be $5.60 per one hundred pounds f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(c) The permission granted to Defense Supplies Corporation and its designee or designees is subject to the following conditions:

(1) With respect to the sugar specified in paragraph (b) of this Order No. 3 for each one hundred pounds of such sugar sold by each designee of Defense Supplies Corporation under the permission granted in this Order No. 3, such designee shall pay to Defense Supplies Corporation an amount of money equal to the difference between the applicable maximum basis price for such sugar specified in § 1334.51 (a) (2) of Revised Price Schedule No. 60, and the maximum basis price for such sugar specified in paragraph (b) of this Order No. 3: *Provided*, That such payment may be reduced for cash sales by an amount equal to not more than two percent of the difference between the maximum basis prices as above determined.

(2) The sugar specified in this order may be sold for delivery only in the states of Pennsylvania and Delaware.

(d) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1334.59 of Revised Price Schedule No. 60 shall apply to the terms used herein.

(f) This Order No. 3 shall become effective December 11, 1942.

Issued this 11th day of December, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13198; Filed, December 11, 1942; 2:33 p. m.]

[Order 7 Under MPR 135]

MUTUAL FERTILIZER COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 7 under Maximum Price Regulation No. 135— Mixed Fertilizer, Superphosphate and Potash—Docket No. 3135-10.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1, *It is ordered:*

(a) On and after December 12, 1942 the Mutual Fertilizer Company, Savannah, Georgia, may sell and deliver mixed fertilizers, superphosphate, and potash manufactured by it at the respective applicable maximum prices, subject to agreement with the respective purchasers of such mixed fertilizers, superphosphate, and potash to adjust the prices thereof in accordance with the final disposition of the petition for adjustment filed by said company on November 12, 1942, in the Office of Price Administration.

(b) This Order No. 7 may be revoked or amended by the Price Administrator at any time, and in any event shall be effective only to the date upon which said petition for adjustment is finally disposed of by the Price Administrator.

(c) This Order No. 7 shall become effective December 12, 1942.

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13202; Filed, December 11, 1942; 2:38 p. m.]

[Order 9 Under RPS 49]

SIMONS IRON AND METAL COMPANY, INC.

ORDER GRANTING EXTENSION

Order No. 9 under Revised Price Schedule No. 49—Resale of Iron or Steel Products—Docket No. 3049-17.

In a verified petition which conforms to the requirements of Revised Procedural Regulation No. 1, the Simons Iron and Metal Company, Incorporated, of Newark, New Jersey, under date of July 16, 1942, requested that the time limit set forth in Order No. 5 to Revised Price Schedule No. 49 be extended from July 31, 1942 to January 31, 1943.

Due consideration has been given to the petition and an opinion in support of this Order No. 9 has been filed with the Division of the Federal Register. For the reasons set forth in the opinion under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

(a) That this permission shall expire on and have no effect or validity after January 31, 1943.

(b) Copies of invoices covering delivery of materials described in Order No. 5 to Revised Price Schedule No. 49 shall be filed with the Office of Price Administration not later than ten days after delivery in whole or in part of said steel.

(c) This Order No. 9 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 9 shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13199; Filed, December 11, 1942; 2:42 p. m.]

[Order 15 Under MPR 161]

MATT KIPPOLA LOGGING CO., ET AL.

OVERTIME ADDITIONS

Pursuant to the provisions of § 1381.160 (e) of Maximum Price Regulation 161, West Coast Logs, each of the following persons has filed with the Office of Price Administration, Washington, D. C., a certified statement that the following hours per week are maintained in its logging operations. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with §1381.160 (e) of Maximum Price Regulation 161, *It is hereby ordered:*

(a) The following persons being on a 48-hour week may add to the maximum prices of all logs produced by them $1.00 per 1,000 ft., log scale:

Matt Kippola Logging Co., Paulsbo, Washington.
Hector Brown Logging Company, Monroe, Washington.
Frank Zaviteki, Centralia, Washington.
Schetky Logging Company (Molalla Camp), Portland, Oregon.

(b) The following person being on a 60-hour week may add to the maximum prices of all logs produced by it $2.00 per 1,000 ft., log scale:

Schetky Logging Company (Jewell Camp), Portland, Oregon.

(c) The following company having changed its status as an overtime company from a 54-hour basis to a 48-hour basis as of November 2, 1942, may add to the maximum prices of all logs produced by it $1.00 per 1,000 ft., log scale, instead of $1.50 as has been authorized by prior order of the Office of Price Administration.

West Fork Logging Company, Tacoma, Washington.

This change of status shall be effective as of November 2, 1942, and the prior authorization of $1.50 per 1,000 ft. log scale is hereby revoked for this company as of November 2, 1942.

(d) The following company ceased all logging operations on October 10, 1942, and its prior authorization of $1.50 per 1,000 ft. log scale is revoked as of October 10, 1942:

Knappa Logging Co., Portland, Oregon.

(e) The additions to maximum prices specified in paragraphs (a), (b), and (c) hereof may be made subject to the condition that the persons named comply with all provisions of § 1381.160 (e) of Maximum Price Regulation 161.

(f) This Order No. 15 may be revoked or amended by the Price Administrator at any time by similar publication in the FEDERAL REGISTER for change of sta-

tus of any of the persons named herein as an overtime company.

(g) This Order No. 15 shall become effective December 12, 1942.

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13200; Filed, December 11, 1942; 2:39 p. m.]

[Order 29 Under RPS 6]

COMPRESSED STEEL SHAFTING COMPANY

ORDER GRANTING EXCEPTION

Order No. 29 under Revised Price Schedule No. 6—Iron and Steel Products—Docket No. 3006-25.

On September 23, 1942, Compressed Steel Shafting Company, Readville, Massachusetts, filed a petition for an exception to Revised Price Schedule No. 6, as amended, pursuant to § 1306.7 (c) thereof. Due consideration has been given to the petition and an opinion in support of this Order No. 29 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Compressed Steel Shafting Company may sell and deliver, and agree, solicit and attempt to sell and deliver, cold finished steel bars at prices not in excess of those stated in paragraph (b), when such bars are shipped to points outside of the New England States under contracts entered into by it under allocations or directives of the War Production Board.

(b) The maximum price which may be charged by Compressed Steel Shafting Company on sales of cold finished bars covered by paragraph (a) above shall be the Buffalo base price on cold finished bars plus the carload freight rate on hot rolled bars from Buffalo to Readville, Massachusetts, f. o. b. Readville, Massachusetts.

(c) This Order No. 29 may be revoked or amended by the Price Administrator at any time.

(d) The definitions set forth in § 1306.8 of Revised Price Schedule No. 6 shall apply to terms used herein.

(e) This Order No. 29 shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13201; Filed, December 11, 1942; 2:40 p. m.]

[Order 56 Under MPR 120]

CASTLE SHANNON COAL CORPORATION

ORDER GRANTING ADJUSTMENT

Revised Order No. 56 Under Maximum Price Regulation No. 120 — Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120-122.

Order No. 56 under Maximum Price Regulation No. 120 is hereby revised and amended to read as set forth below:

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals produced by the Castle Shannon Coal Corporation, Pittsburgh, Pennsylvania, at its Coverdale No. 8 Mine, Mine Index No. 224, may be sold and purchased for shipment by rail, via the Great Lakes, and by truck or wagon at prices not to exceed the following respective prices per net ton, f. o. b. the mine:

Rail and lake							
Size group	3	4	5	6	7	8	10
Maximum price	$3.253.	253.	103.	002.	752.	752.	15
Truck or wagon							
Size group	8	9	10	11			
Maximum price	2.552.	302.	202.	15			

(b) Within thirty (30) days from the effective date of this Order, the said Castle Shannon Coal Corporation shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122.

(c) This Revised Order No. 56 may be revoked or amended by the Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(e) This Revised Order No. 56 shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13204; Filed, December 11, 1942; 2:37 p. m.]

[Correction to Order 62 Under MPR 120]

BUGOS-WHITE COAL COMPANY

AMENDMENT OF ORDER GRANTING ADJUSTMENT

Correction to Order No. 62 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine o. Preparation Plant—Docket No. 3120-46. [7 F.R. 8369]

The name of the Company operating the Alpha No. 2 Mine (Mine Index No. 1) wherever used in Order No. 62 and in the opinion accompanying such order should be corrected to Bugos-White Coal Company.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued and effective this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13205; Filed, December 11, 1942; 2:34 p. m.]

[Order 69 Under MPR 188]

ROBERT KAYTON, INCORPORATED

APPROVAL OF MAXIMUM PRICE

Order No. 69 Under § 1499.158 of Maximum Price Regulation 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum prices for three hot plate pads manufactured by Robert Kayton, Incorporated.

On September 24, 1942, Robert Kayton, Inc., 625 Broadway, New York City, filed a request for approval of a maximum price for a package of three hot plate pads known as Guard-O-Mat, pursuant to § 1499.158 of Maximum Price Regulation 188.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of Federal Register. For the reasons set forth in the opinion, and under the authority vested in the Price Administrator, by the Emergency Price Control Act of 1942, as amended, and by Executive Order 9250, *It is ordered:*

(a) Robert Kayton, Incorporated is authorized to sell, offer to sell, or deliver packages of three hot plate pads known as Guard-O-Mat, at a price no higher than $2.12 per dozen packages delivered.

(b) This Order No. 69 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 69 shall become effective on the 12th day of December 1942.

(d) Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13206; Filed, December 11, 1942; 2:39 p. m.]

[Order 79 Under MPR 188]

THE CRANE COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 79 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Authorization of a Maximum Price of Cast-Iron Valves and Fittings, Malleable Iron Valves and Fittings, Brass Valves and Fittings, and Brass and Iron Plumbing Fixture Trim Made According to Specifications.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to and under the authority

vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and § 1499.158 of Maximum Price Regulation No. 188: *It is hereby ordered,* That:

(a) The Crane Company of 836 South Michigan Avenue, Chicago, Illinois, may sell and deliver, and any person may buy and receive from the Crane Company, cast-iron valves and fittings, malleable iron valves and fittings, brass valves and fittings, and brass and iron plumbing fixture trim made according to specifications, at a price not more than that determined by the use of the pricing formula submitted to the Office of Price Administration under date of September 8, 1942, and used by the Crane Company in March 1942, to determine the prices at that time, of such items. The values given to the factors used in said formula shall be no higher than the highest values given to the same factors in the determination of March 1942 prices under said formula, and the method used in computing said factors shall be the method used in March 1942.

(b) The Crane Company shall retain in its files and have available for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, the following information contained in a form submitted to and approved by the Office of Price Administration: (1) A detailed description of each product priced in accordance with this order; (2) The price of each such article as determined in accordance with this order; (3) Detailed calculations in determining the price in accordance with this order and in accordance with the formula submitted under date of September 8, 1942, to the Office of Price Administration.

(c) The articles covered by this Order No. 79 shall include all items manufactured by Crane Company, of the types designated in paragraph (a) above, which are subject to the provisions of Maximum Price Regulation No. 188 and (1) which are made according to specifications supplied by the purchasers thereof, and (2) which are not a part of, and will not become a part of, Crane Company's standard line of products, and (3) which were not delivered or offered for delivery during March 1942 by Crane Company, and (4) whose prices cannot be determined upon the basis of prices which Crane Company had in effect for standard items and for special processing during March 1942.

(d) Any selling price determined under this Order No. shall be subject to adjustment by the Office of Price Administration at any time.

(e) This Order No. 79 shall not cover any article which may be covered by any regulation which may be issued by the Office of Price Administration subsequent to the effective date of this Order.

(f) This Order No. 79 may be revoked or amended by the Office of Price Administration at any time.

(g) This Order No. 79 shall become effective on December 12, 1942.

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13207; Filed, December 11, 1942; 2:11 p. m.]

[Order 80 Under MPR 188]

PHILIP CAREY MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICE

Order No. 80 Under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

On October 14, 1942, The Philip Carey Manufacturing Company of Cincinnati, Ohio, filed an application with the Office of Price Administration seeking a specific authorization pursuant to § 1499.158 of Maximum Price Regulation No. 188 to determine maximum prices for certain "special products" (as defined in paragraph (b) below) and for instructions as to the method to be used in determining maximum prices for such products to be manufactured by them.

Authorization for The Philip Carey Manufacturing Company to determine maximum prices for certain special products. (a) The maximum price which may be charged by The Philip Carey Manufacturing Company for special products shall be determined in accordance with the following formula:

(1) Determine the unit cost of the direct labor involved in the production of the special product based upon the highest wage rates in effect in the company's plant for any substantial portion of March 1942, for each class of labor involved in the production of the article.

(2) Add to this sum the unit cost of the direct materials used in manufacturing the special product based upon the highest price charged during March 1942 by the manufacturer's supplier, except that if the Office of Price Administration has established a lower maximum price for the sale of the material to the manufacturer by his supplier, such lower price shall govern.

(3) Add to the amounts determined under (1) and (2) above, the sum arrived at by applying to the cost of the direct labor and material for the particular special product being priced as determined under (1) and (2) above a mark-up for each of the following types of products as filed with the Office of Price Administration:

Asbestos Cements.
Asbestos Paper and Boards.
Asbestos Cement Shingles, Siding, Sheathing, and Wallboard.
Insulated Sheathing.
Bulkhead Panels.
Tank Jackets.
Pipe Coverings and Blocks.
Heat Insulation Materials.
Asphalt and/or Tar Paints, Coatings, and Cements.
Special Asphalts.
Felts—Plain and/or Saturated and/or Coated.
Asphalt Tile, Flooring, Plank, and Extruded Specialties.
Moulded and/or Die Cut or Cast Asphalt and Asbestos Cement Products.
Expansion Joints.
Air Ducts.
Laminated Products (including all possible combinations for different purposes of rag felt, Asbestos Felt, or cloth, whether saturated or unsaturated, combined with Asphalt, Silicate, or other combining agents, all of which would go through a combining machine, or any combination of the above).

(4) The price so determined shall be the maximum price for the special product being priced. All freight equalization practices and allowances, all trade or cash discounts applicable to the sale of any type of special product, whether based on quantity, class of purchaser, or any other cause, which The Philip Carey Manufacturing Company maintained in March 1942, shall be applicable to the sale of any special products whose maximum prices are determined under this order.

(b) The term "special product" as used in this Order No. 80 shall include all items manufactured by The Philip Carey Manufacturing Company of the types designated in paragraph 1 above, which are subject to Maximum Price Regulation No. 188; and

(1) which are not part of, and will not become a part of, The Philip Carey Manufacturing Company's standard line of products; and

(2) which were not delivered or offered for delivery during March 1942, by The Philip Carey Manufacturing Company; and

(3) whose prices cannot be determined upon the basis of prices which The Philip Carey Manufacturing Company had in effect for standard items and for special processing during March 1942; and

(4) which may not be priced under § 1499.155 of Maximum Price Regulation No. 188.

(c) Within ten days after a maximum price has been determined in accordance with this order, The Philip Carey Manufacturing Company shall report that price to the Office of Price Administration, stating that the price was determined in accordance with the formula set forth in paragraph (a) hereof and setting forth in detail the calculations made in determining that price, including a description of the product and the labor and materials used. This report shall be filed in triplicate.

(d) Any selling price determined under this Order shall be subject to adjustment at any time by the Office of Price Administration.

(e) This Order No. 80 may be revoked or amended by the Office of Price Administration at any time.

(f) This Order No. 80 shall become effective December 12, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13208; Filed, December 11, 1942; 2:38 p. m.]

[Order 1 Under MPA 260]

S. FRIEDER AND SONS COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 1 Under § 1358.102 (e) of Maximum Price Regulation No. 260—Cigars.

The S. Frieder and Sons Company—Maximum Prices for Spencer Morris Clubhouse Cigars.

The S. Frieder and Sons Company of Philadelphia, Pennsylvania, hereinafter called "Applicant" has made application under § 1358.102 (e) of Maximum Price Regulation No. 260—Cigars, for determination of the maximum list price, schedule of discounts and allowances and the maximum retail price of a new brand of cigars which it proposes to manufacture and sell under the brand name "Spencer Morris Clubhouse."

Due consideration has been given to the application and an opinion in support of this order issued simultaneously herewith has been filed with the Division of the Federal Register. For reasons set forth in the opinion and under authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended and in accordance with § 1358.102 (e) of Maximum Price Regulation No. 260, *It is hereby ordered:*

Authorization of Maximum Prices for Cigars Manufactured by the S. Frieder and Sons Company under the Brand Name "Spencer Morris Clubhouse." (a) On and after November 30, 1942, Applicant and any wholesaler and retailer of cigars bearing the brand name "Spencer Morris Clubhouse" may sell and deliver and any person may buy and receive such cigars at prices not more than the following:

Manufacturer's and wholesalers' list price:	*Retailers' maximum price*
$40.00	5 cents each.

The manufacturer's and wholesalers' list price is based upon the sale of one thousand cigars packed fifty to the individual container. Manufacturer's and wholesalers' price differentials in packings allowed in March 1942, on cigars of the same price class shall not be reduced. Manufacturer's and wholesalers' price differentials in packings charged in March 1942, on cigars of the same price class shall not be increased. Discounts applicable to the sales of said cigars by Applicant to wholesalers shall not be less than 12%, plus such additional discount for payment as Applicant allowed in March 1942 to purchasers of the same class. Discounts applicable to sales of said cigars by Applicant to retailers, and to sales thereof by wholesalers to any purchaser shall not be less than those prevailing in March 1942, on sales of cigars of the same price class to the same class of purchasers.

(b) "Spencer Morris Clubhouse" cigars shall not be less than five inches in length and shall contain not less than 24½ pounds of tobacco per thousand cigars. Filler binder and wrappers shall be made of the brands, types, quantities and quality of tobacco set forth in said application. Depreciation of the specified size and quality of "Spencer Morris Clubhouse" cigars, except as the result of normal variation, is hereby prohibited.

(c) Applicant shall state in plainly visible numerals upon each box or container of "Spencer Morris Clubhouse" cigars sold or delivered by it, the exact maximum retail price thereof as set forth in this order. On or before the first delivery of any "Spencer Morris Clubhouse" cigars to any purchaser, Applicant and every wholesaler shall notify the purchaser of the exact amount of their maximum list price and the exact amount of the maximum retail price as set forth in this order by delivering to such purchaser a written notice as follows:

"On our brand 'Spencer Morris Clubhouse' cigars, the Office of Price Administration has authorized us to establish a maximum list price of $40.00 per thousand and a maximum retail price of 5 cents each. Our maximum list price is based on sales of one thousand cigars packed 50 to the individual container. Manufacturer's and wholesalers' discounts to purchasers may not be less than their discounts in March 1942, on sales of cigars of the same price class to the same class of purchasers. Such discounts may not be reduced. Price differentials in packings allowed in March 1942 on cigars of the same price class may not be reduced. Price differentials in packings charged in March 1942 on cigars of the same price class may not be increased. Wholesalers receiving this notice are required to give similar written notice to each person to whom they sell or deliver 'Spencer Morris Clubhouse' cigars at or before the first delivery of such cigars to the purchaser. The Office of Price Administration requires you to keep this notice for examination."

(d) The provisions of Maximum Price Regulation No. 260 as now in force or as hereinafter amended or revised are incorporated in this Order to the extent consistent herewith.

(e) This Order No. 1 may be revoked or amended by the Administrator at any time.

(f) This Order No. 1 shall become effective December 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13251; Filed, December 12, 1942; 11:54 a. m.]

[Order 2 Under MPR 260]

W. J. NEFF AND COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 2 Under § 1358.102 (e) of Maximum Price Regulation No. 260—Cigars.

W. J. Neff & Company—Maximum Prices for Priority and Pass Book Cigars.

W. J. Neff & Company of Red Lion, Pennsylvania, hereinafter called "Applicant" has made application under § 1358.102 (e) of Maximum Price Regulation No. 260—Cigars, for determination of the maximum list price, schedule of discounts and allowances and the maximum retail price of two new brands of cigars which they propose to manufacture and sell under the brand names "Priority" and "Pass Book."

Due consideration has been given to the application and an opinion in support of this Order issued simultaneously herewith has been filed with the Division of the Federal Register. For reasons set forth in the opinion and under authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with § 1358.102 (e) of Maximum Price Regulation No. 260, *It is hereby ordered:*

Authorization of Maximum Prices for Cigars Manufactured by W. J. Neff & Company under the Brand Names "Priority" and "Pass Book". (a) On and after December 2, 1942, Applicant and any wholesaler of cigars bearing the brand name "Priority" or "Pass Book" may sell and deliver and any person may buy and receive such cigars at prices not in excess of the following:

Manufacturer's and wholesaler's list price:	*Retailers' maximum price*
$40.00	5 cents each.

The manufacturer's and wholesalers' list price is based upon the sale of one thousand cigars packed fifty to the individual container. Manufacturer's and wholesalers' price differentials in packings allowed in March 1942 on cigars of the same price class shall not be reduced. Manufacturer's and wholesalers' price differentials in packings charged in March 1942 on cigars of the same price class shall not be increased. Discounts applicable to the sales of said cigars by Applicant to wholesalers shall not be less than 12% plus such additional discount for payment as Applicant allowed in March 1942 to purchasers of the same class. Discounts applicable to sales of said cigars by Applicant to retailers, and to sales thereof by wholesalers to any purchasers shall not be less than those prevailing in March 1942 on sales of cigars of the same price class to the same class of purchasers.

(b) "Priority" and "Pass Book" cigars shall contain not less than 24.7 pounds of tobacco per thousand. Filler, binder and wrapper shall be made of the brands, types, quantities and quality of tobacco set forth in said application. Depreciation of the specified quality of "Priority" or "Pass Book" cigars except as the result of normal variation is hereby prohibited.

(c) Applicant shall state in plainly visible numerals upon each box or container of "Priority" or "Pass Book" cigars sold or delivered by it, the exact maximum retail price thereof as set forth in this order. On or before the first delivery of any "Priority" or "Pass Book" cigars to any purchaser, Applicant and every wholesaler shall notify the purchaser of the exact amount of the maximum retail price as set forth in this order by delivering to such purchaser a written notice as follows:

"On our brand (describe cigar), the Office of Price Administration has authorized us to establish a maximum list price of $40.00 per thousand and a maximum retail price of 5 cents each. Our maximum list price is based on sales of

one thousand cigars packed 50 to the individual container. Manufacturer's and wholesalers' discounts to purchasers may not be less than their discounts in March 1942, on sales of cigars of the same price class to the same class of purchasers. Such discounts may not be reduced. Price differentials in packings allowed in March 1942 on cigars of the same price class may not be reduced. Price differentials in packings charged in March 1942 on cigars of the same price class may not be increased. Wholesalers receiving this notice are required to give similar written notice to each person to whom they sell or deliver (describe cigar) at or before the first delivery of such cigars to the purchaser. The Office of Price Administration requires you to keep this notice for examination."

(d) The provisions of Maximum Price Regulation No. 260 as now in force or as hereinafter amended or revised are incorporated in this order to the extent consistent herewith.

(e) This Order No. 2 may be revoked or amended by the Administrator at any time.

(f) This Order No. 2 shall become effective December 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E. O. 9250, 7 F.R. 7871.)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13253; Filed, December 12, 1942; 11:54 a. m.]

[Order 3 under MPR 260]

ALLES AND FISHER, INC.

APPROVAL OF MAXIMUM PRICE

Order No. 3 Under § 1358.102 (e) of Maximum Price Regulation No. 260—Cigars.

Alles & Fisher, Inc.—Maximum Prices for Pippin Cigars.

Alles & Fisher, Inc. of Boston, Massachusetts, hereinafter called "Applicant" has made application under § 1358.102 (e) of Maximum Price Regulation No. 260—Cigars, for determination of the maximum list price, schedule of discounts and allowances and the maximum retail price of a new brand of cigars which it proposes to manufacture and sell under the brand name "Pippin."

Due consideration has been given to the application and an opinion in support of this order issued simultaneously herewith has been filed with the Division of the Federal Register. For reasons set forth in the opinion and under authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with § 1358.102 (e) of Maximum Price Regulation No. 260, *It is ordered:*

Authorization of maximum prices for cigars manufactured by Alles & Fisher, Inc., under the brand name "Pippin." (a) On and after November 30, 1942, Applicant and any wholesaler and retailer of cigars bearing the brand name "Pippin" may sell and deliver and any person may buy and receive such cigars at prices not more than the following:

Manufacturer's and wholesalers' list price:	*Retailers' maximum price*
$27.00	4 cents each or 3 for 10 cents.

Manufacturer's and wholesalers' list price is based upon sales of one thousand cigars packed fifty to the individual container. Manufacturer's and wholesalers' price differentials in packings allowed in March, 1942, on cigars of the same price class shall not be reduced. Manufacturer's and wholesalers' price differentials in packings charged in March, 1942, on cigars of the same price class shall not be increased. Discounts applicable to sales of said cigars by Applicant shall be as follows:

	Sales to wholesalers	Sales to retailers
Located in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut	12%	2%
Located elsewhere than in states specified above	8%	2%

Applicant shall also allow such additional discount for payment as it allowed in March, 1942 on sales of cigars of the same price class. Discounts applicable to sales of said cigars by wholesalers to any purchaser shall be not less than those prevailing in March, 1942, on sales of cigars of the same price class to the same class of purchasers.

(b) "Pippin" cigars shall contain not less than 25 3/10 pounds of tobacco per thousand cigars. Filler brands and wrappers shall be made of the brands, types, qualities and quantity of tobacco set forth in said application. Depreciation of the specified size and quality of "Pippin" cigars, except as the result of normal variation, is hereby prohibited.

(c) Applicant shall state in plainly visible numerals upon each box or container of "Pippin" cigars sold or delivered by it, the exact maximum retail price thereof as set forth in this order. On or before the first delivery of any "Pippin" cigars to any purchaser, Applicant and every wholesaler shall notify the purchaser of the exact amount of their maximum list price and the exact amount of the maximum retail price as set forth in this order by delivering to such purchaser a written notice as follows:

"On our brand "Pippin" cigars, the Office of Price Administration has authorized us to establish a maximum list price of $27.00 per thousand and maximum retail price of 4 cents each or 3 for 10 cents. Our maximum list price is based on sales of one thousand cigars packed fifty to the individual container. Manufacturer's and wholesalers' discounts to purchasers may not be less than their discounts in March, 1942, on sales of cigars of the same price class to the same class of purchasers. Such discounts may not be reduced. Price differentials in packings allowed in March, 1942 on cigars of the same price class may not be reduced. Price differentials charged in March, 1942 on cigars of the same price class may not be increased. Wholesalers receiving this notice are required to give similar written notice to each person to whom they sell or deliver "Pippin" cigars at or before the first delivery of such cigars to the purchaser. The Office of Price Administration requires you to keep this notice for examination."

(d) The provisions of Maximum Price Regulation No. 260 as now in force, or as hereinafter amended or revised are incorporated in this Order to the extent consistent herewith.

(e) This Order No. 3 may be revoked or amended by the Administrator at any time.

(f) This Order No. 3 shall become effective December 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13257; Filed, December 12, 1942; 11:54 a. m.]

[Order 1 Under Rev. Maximum Export Price Regulation]

RICHARD B. FRENKEL

ORDER GRANTING PETITION FOR EXCEPTION

Order No. 1 Under § 1375.9 (c) of the Revised Maximum Export Price Regulation.

On November 5, 1942 Richard B. Frenkel, 211 West 106th Street, New York, New York, filed a petition for exception from § 1375.9 (c) of the Revised Maximum Export Price Regulation, pursuant to the provisions of that section.

Due consideration has been given to the petition and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250, *It is hereby ordered:*

(a) Richard B. Frenkel is authorized to invoice directly to the departments of the government of Guatemala at his correspondent's price those goods which are now ready for shipment.

(b) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 1 shall take effect on the 14th day of December 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13252; Filed, December 12, 1942; 11:54 a. m.]

[Order 3 of MPR 244]

SWEETS FOUNDRY

ORDER GRANTING ADJUSTMENT

Order No. 3 Under § 1421.157 (a) of Maximum Price Regulation 244—Gray Iron Castings—Docket No. GF3-2172.

For the reasons set forth in the opinion, issued simultaneously herewith, under the authority vested in the Price Administrator by the Emergency Price

Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Procedural Regulation No. 6 issued by the Office of Price Administration, *It is hereby ordered:*

Adjustment of maximum prices for gray iron castings sold by Sweets Foundry. (a) Sweets Foundry may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds and grades of gray iron castings set forth in paragraph (b) to the persons specified in paragraph (b), at prices not in excess of those stated therein. The persons specified in paragraph (b) may buy and receive, and agree, offer, solicit and attempt to buy and receive, such kinds and grades of gray iron castings at such prices from Sweets Foundry.

(b) *Maximum prices.*

Purchaser	Pattern No. or Description	Maximum price ($ per lb.)
International Business Machines Corporation, Endicott, N. Y.	All gray iron castings for which a price of $.085 per lb. was established by Sweets Foundry and International Business Machines Corporation prior to the effective date of Maximum Price Regulation 244.	$.095
Link Aviation Devices Inc. Binghamton, New York.	#1004	.085
	#1502	.085
	#21054	.08
Lipe-Rollaway Corporation Syracuse, New York.	All gray iron castings for which a price of $.08 was established by Sweets Foundry and Lipe-Rollaway Corporation prior to the effective date of Maximum Price Regulation 244.	.09
Lipe-Rollaway Corporation Syracuse, New York.	All gray iron (semi-steel) castings for which a price of $.085 was established by Sweets Foundry and Lipe-Rollaway Corporation prior to the effective date of Maximum Price Regulation 244.	.095
Edlund Machine Company Courtland, New York.	All gray iron castings for which a price of $.068 was established by Sweets Foundry and Edlund Machine Company prior to the effective date of Maximum Price Regulation 244.	.095
LeRoy Plow Company LeRoy, New York.	All gray iron castings for which a price of $.0675 was established by Sweets Foundry and LeRoy Plow Company prior to the effective date of Maximum Price Regulation 244.	.09

(c) The maximum price of $.095 per pound on sales of designated gray iron castings to International Business Machines Corporation, Endicott, New York, as provided in paragraph (b) herein, shall be applicable to all shipments of such castings made by Sweets Foundry to said purchaser on and after September 28, 1942, and Sweets Foundry and International Business Machines Corporation may agree to adjust or fix prices on such shipments in accordance with said maximum price of $.095 per pound.

(d) The permission granted to Sweets Foundry is subject to the following condition:

(1) Sweets Foundry shall furnish to the Office of Price Administration, Washington, D. C., monthly income statements beginning with the month of November, 1942. Such statements shall be furnished to the Office of Price Administration as soon as they are available, but in any case not later than sixty days after the close of each calendar month.

(e) All prayers of the petition not granted herein are denied.

(f) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(g) Unless the context otherwise requires the definitions set forth in § 1421.164 of Maximum Price Regulation 244 shall apply to the terms used herein.

(h) This Order No. 3 shall become effective December 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13256; Filed, December 12, 1942; 11:56 a. m.]

[Order 43 Under RPS 64]

KNOX STOVE WORKS

APPROVAL OF MAXIMUM PRICE

Order No. 43 Under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On September 28, 1942, the Knox Stove Works, Knoxville, Tennessee, completed by filing required data an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price for a coal heating stove designated in the application as model KC-916.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Knox Stove Works may sell, offer to sell, transfer or deliver the model KC-916 coal heating stove at a price no higher than $39.29 f. o. b. factory to dealers, subject to discounts, allowances, and terms no less favorable than those in effect with respect to the comparable model 818 as established under Revised Price Schedule No. 64.

(b) This Order No. 43 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 43 shall become effective on the 14th day of December 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13260; Filed, December 12, 1942; 11:57 a. m.]

[Order 44 Under RPS 64]

CHARTER OAK STOVE AND RANGE COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 44 Under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On September 30, 1942, the Charter Oak Stove and Range Co., St. Louis, Mo., completed by filing required data an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for three models of coal and wood ranges designated in the application as models 28-VT, 28-VF, 28-V.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Charter Oak Stove and Range Company may sell, offer to sell, deliver or transfer the following models at prices no higher than those specified:

	F.O.B. factory to dealers
Model No. 28-VT	$34.66
Model No. 28-VF	41.46
Model No. 28-V	47.42

subject to discounts, allowances, and terms no less favorable than those in effect with respect to the comparable models Nos. 28-WTY, 28-WFY, 28-WY, respectively, as established under Revised Price Schedule No. 64.

(b) This Order No. 44 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 44 shall become effective on the 14th day of December 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13261; Filed December 12, 1942; 11:57 a. m.]

[Order 45 Under RPS 64]

THE ROUND OAK COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 45 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On October 21, 1942, The Round Oak Company, Dowagiac, Michigan, completed by filing required data an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price for a coal and wood range designated in the application as model No. B-304-F.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register.

For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) The Round Oak Company may sell, offer to sell, deliver or transfer the B–304–F coal and wood range manufactured by it at a price no higher than $63.19 f. o. b. factory to dealers, subject to discounts, allowances, and terms no less favorable than those in effect with respect to the B–204–F model as established under Revised Price Schedule No. 64.

(b) This Order No. 45 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 45 shall become effective on the 14th day of December 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13262; Filed, December 12, 1942; 11:58 a. m.]

[Order 46 Under RPS 64 [1]]

THE FOSTER STOVE COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 46 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On October 21, The Foster Stove Company, Ironton, Ohio, completed by filing required data an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price for a coal and wood range designated in the application as model 6042 Victory.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) The Foster Stove Company may sell, offer to sell, deliver or transfer the 6042 Victory coal and wood range at a price no higher than $47.57 f. o. b. factory to dealers, subject to discounts, allowances, and terms no less favorable than those in effect with respect to the comparable model 5036 as established under Revised Price Schedule No. 64.

(b) This Order No. 46 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 46 shall become effective on the 14th day of December 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13263; Filed, December 12, 1942; 11:58 a. m.]

[Order 47 Under RPS 64 [1]]

ALLEN MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICE

Order No. 47 Under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

On October 26, 1942, the Allen Manufacturing Co., Nashville, Tennessee, completed by filing required data an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of a maximum price for a coal and wood range designated in the application as model V–40–18–BR.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) Allen Manufacturing Co. may sell, offer for sale, transfer or deliver the V–40–18–BR coal and wood range at a price of $42.74 f. o. b. factory to dealers, subject to discounts, allowances, and terms no less favorable than those in effect with respect to the comparable model 40–18–BR as established under Revised Price Schedule No. 64.

(b) This Order No. 47 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 47 shall become effective on the 14th day of December, 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13264; Filed, December 12, 1942; 11:58 a. m.]

[Order 105 Under MPR 120 [2]]

ARKANSAS COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 105 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120–183.

For the reasons set forth in an Opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (d) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) Run-of-mine coals produced by Arkansas Coal Company, Fort Smith, Arkansas, at its Mine Index No. 593, in District No. 14, crushed to size groups 14, 15, and 16, and shipped by it during the period of June 30, 1942, to October 1, 1942, inclusive, to Eagle-Picher Mining and Smelting Company, may be sold by said Arkansas Coal Company and purchased by said Eagle-Picher Mining and Smelting Company at a price not in excess of $3.00 per net ton f. o. b. the mine;

(b) All prayers of the petition not granted herein are denied;

(c) This Order No. 105 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply herein;

(e) This Order No. 105 shall become effective December 14, 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–13265; Filed, December 12, 1942; 11:53 a. m.]

[Order 16 Under MPR 161]

MAYWOOD LOGGING COMPANY, INC., ET AL.

OVERTIME ADDITIONS

Pursuant to the provisions of § 1381.160 (e) of Maximum Price Regulation 161, West Coast Logs, each of the following persons has filed with the Office of Price Administration, Washington, D. C., a certified statement that the following hours per week are maintained in its logging operations. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1381.160 (e) of Maximum Price Regulation 161, *It is hereby ordered:*

(a) The following persons being on a 48-hour week may add to the maximum prices of all logs produced by them $1.00 per 1,000 ft., log scale:

Maywood Logging Company, Inc., Lester, Washington.
Walter A. Kelly, Brinnon, Washington.
A. & L. Logging Company, Inc., Aberdeen, Washington.
Hamilton Bros. Logging Co., Warrenton, Oregon.
Scritemier Co., Portland, Oregon. (Batterson, Oregon operation.)
Robert Hickey, Everett, Washington.
Great Bear Logging Company, Granite Falls, Washington.
Frank W. McCulloch, Eugene, Oregon.
Conrad Hougen, Everson, Washington.
Chittick and Atkinson, Marblemount, Washington.
Row River Lumber Company, Portland, Oregon.
Scott & Blum, Gaston, Oregon.
The Mard M. Wood Working Co., Portland, Oregon.

(b) A. K. Wilson and M. E. Wilson, both of Portland, Oregon, having ceased their individual operations as of October 1, 1942, authority heretofore granted for

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[1] 7 F.R. 1329, 1836, 2000, 2132, 4404, 5872, 6221.

[2] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6896, 7777, 7670, 7914, 7942, 8354, 8650, 8948.

each of them for the addition of $1.50 per 1,000 ft. log scale to the maximum prices of all logs produced by them is withdrawn as of that date. The same persons, having continued in operation as a partnership under the name of A. K. Wilson Timber Company, Portland, Oregon, may add to the maximum prices of all logs produced by such company $1.50 per 1,000 ft. log scale as of October 1, 1942.

(c) The following person being on a 60-hour week may add to the maximum prices of all logs produced by it $2.00 per 1,000 ft., log scale:

M & D Timber Company, Inc., Aberdeen, Washington.

(d) The additions to maximum prices specified in paragraphs (a), (b), and (c) hereof may be made subject to the condition that the persons named comply with all provisions of § 1381.160 (e) of Maximum Price Regulation 161.

(e) This Order No. 16 may be revoked or amended by the Price Administrator at any time by similar publication in the FEDERAL REGISTER for change of status of any of the persons named herein as an overtime company.

(f) This Order No. 16 shall become effective December 14, 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13258; Filed, December 12, 1942; 11:56 a. m.]

[Order 20 Under MPR 169]

KROGER GROCERY AND BAKING CO., ET AL.

DENYING APPLICATIONS FOR ADJUSTMENT

Order No. 20 under Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts.

In the matter of Kroger Grocery and Baking Company, Wilson and Company, Incorporated, Maurer Packing Company, E. Kahn's Sons Company, E. Kahn's Sons Company, South Philadelphia Dressed Beef Company, South Philadelphia Dressed Beef Company, E. Kahn's Sons Company, A. Salus and Son, Incorporated, South Philadelphia Dressed Beef Co., Inc., E. Kahn's Sons Company, E. Kahn's Sons Company, Wilson & Company, Incorporated, Wilson & Company, Incorporated, E. Kahn's Sons Company, Wilson & Company, Incorporated, A. Salus and Son, Incorporated, Armour and Company of Delaware, Kreinberg & Krasny, Incorporated, E. Kahn's Sons Company, Armour & Company of Delaware, and Kreinberg & Krasny, Incorporated, applicants. Dockets Nos. 3169-142, 3169-148, 3169-157, 3169-159, 3169-162, 3169-169, 3169-170, 3169-171, 3169-172, 3169-180, 3169-182, 3169-183, 3169-184, 3169-186, 3169-188, 3169-187, 3169-189, 3169-192, 3169-194, 3169-200, 3169-201, 3169-202.

On or before November 9, 1942, Kroger Grocery and Baking Company, 2210 Lockbourne Road, Columbus, Ohio; Wilson & Co., Inc., 4100 South Ashland Ave., Chicago, Illinois; Maurer Packing Company, 100 Meyers Avenue, Kansas City, Kansas; E. Kahn's Sons Company, 3241 Spring Grove Ave., Cincinnati, Ohio; South Philadelphia Dressed Beef Company, Incorporated, 232-50 Moore Street, Philadelphia, Pennsylvania; A. Salus & Son, Incorporated, 8 North Delaware Ave., Philadelphia, Pennsylvania; Armour and Company of Delaware, Union Stock Yards, Chicago, Illinois; Wilson & Co., 960 Vignes St., Los Angeles, California; Kreinberg & Krasny, Incorporated, 3300 West 65th St., Cleveland, Ohio, filed separate applications for adjustment of maximum prices established under Maximum Price Regulation No. 169, as amended, Beef and Veal Carcasses and Wholesale Cuts, in accordance with the provisions therefor contained in Procedural Regulation No. 6. The Price Administrator deems it appropriate that the several applications for adjustment be disposed of together. Due consideration has been given to the applications for adjustment and to each of them, and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 6, issued by the Office of Price Administration, *It is ordered:*

(a) That the foregoing applications for adjustment and each of them be, and they hereby are, denied in whole;

(b) That each applicant who has received payment for any beef or veal carcass or wholesale cut at the price requested in its application shall refund to the purchaser the difference between such requested price and the maximum price established for the sale of such beef or veal carcass or wholesale cut by Maximum Price Regulation No. 169;

(c) That each applicant who has slaughtered cattle or calves as a service for the purchaser thereof shall remit to such purchaser an amount sufficient to make the cost of the dressed carcass, or of the wholesale cuts derived therefrom, less than the costs which would be incurred by the purchaser if he purchased such carcass or cuts from the applicant at the applicant's maximum prices therefor.

(d) This Order No. 20 shall become effective December 14, 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13259; Filed, December 12, 1942; 11:56 a. m.]

[Order 2 Under MPR 177 [1]]

PARK-KENNY, LTD.

ORDER GRANTING MAXIMUM PRICES

Order No. 2 under § 1389.106 of Maximum Price Regulation 177—Men's and Boys' Tailored Clothing—Docket Nos. 3177-31 and 3177-37.

An opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1,[2] *It is hereby ordered:*

(a) Park-Kenny, Ltd. may sell and deliver, and any person may buy and receive from Park-Kenny, Ltd., men's suits and men's overcoats at prices not in excess of those stated in paragraphs (b) and (c) of this order.

(b) The maximum prices for the suits and overcoats which have been described by Park-Kenny, Ltd., under the following lot numbers, and for any garments similar thereto shall be as set forth below:

(1) Men's suits:

7517-7519 inclusive	$20.00
7500-7514 inclusive	21.25
7521, 7523, 7524	22.00
7530-7532 inclusive	18.75
7525-7526	20.50
7422-7425 inclusive	22.20
7426-7430 inclusive	21.90
7408-7414 inclusive	22.50
7400-7402 inclusive	22.50
7403	23.40
7447-7448	22.00
7441	21.65
7446	21.90
7442-7445 inclusive	23.00
7463-7464	23.65
7800-7801	24.60

(2) Men's overcoats:

8,000, 8004, 8005	$15.50
8100	19.50
8200	22.25
8204-8206 inclusive	23.50
8305-8308 inclusive	31.00
8302	31.40

(c) The maximum price of Park-Kenny, Ltd. for any other men's suit or men's overcoat shall be determined by adding to the "current cost" of the garment a percentage margin calculated as follows:

(1) Find the total value, at the maximum prices set forth in paragraph (b), of bookings from July 1 to November 30, 1942, of garments of the same classification priced under that paragraph:

(2) Subtract the "actual cost" of these garments;

(3) Divide the remainder by the total value as found in (1). But no maximum price shall exceed $24.60 for a man's suit, nor $31.40 for a man's overcoat.

(d) The permission granted to Park-Kenny, Ltd. in this Order No. 2 is subject to the following conditions:

(1) The above prices shall be net prices to purchasers of the class who received the least discount, on sales made from December 1, 1941 to March 31, 1942, inclusive. Any purchaser who received a greater discount, and any purchaser of the same class as one who received a greater discount, shall be allowed the same percentage differential as was customarily allowed to such purchasers from December 1, 1941, to March 31, 1942, inclusive.

(2) All trade practices, including practices relating to shipping and shipping

[1] 7 F.R. 5182, 7475, 6792, 7100, 7944.

[2] 7 F.R. 8961.

charges which were observed by Park-Kenny, Ltd., during March 1942, shall apply to sales for which maximum prices are determined under this Order.

(e) All prayers of the application not granted herein are denied.

(f) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(g) Unless the context otherwise requires, the definitions set forth or incorporated in Maximum Price Regulation 177 shall apply to terms used in this order.

(h) This Order No. 2 shall become effective December 14, 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13254; Filed, December 12, 1942; 11:56 a. m.]

[Order 3 Under MPR 189]

LOGAN SUPPLY COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 3 under Maximum Price Regulation No. 189—Bituminous Coal Sold for Direct Use as Bunker Fuel—Docket No. 3189-2.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250, and in accordance with § 1340.307 (a) (2) of Maximum Price Regulation No. 189, *It is ordered:*

(a) Logan Supply Company, Philadelphia, Pennsylvania, may sell and deliver, and any person may buy and receive the bituminous coal described in paragraph (b) at prices not in excess of those stated therein, for bunker fuel use.

(b) Run of mine Size Group 3) coals produced by C. A. Hughes and Company at its No. 2 Mine (Mine Index No. 217), in District No. 1, may be resold by the said Logan Supply Company for bunker fuel use at prices not in excess of $6.43 per net ton for delivery to vessels over the top of the Pennsylvania Railroad dock at Greenville, New Jersey, in quantities of twenty-five tons or more, and not in excess of $6.78 per net ton when delivered from storage bins into vessels at that dock.

(c) Within thirty (30) days from the effective date of this order, said Logan Supply Company shall notify all persons purchasing its coals of the adjustments granted by this order.

(d) This Order No. 3 may be revoked or amended by Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.308 of Maximum Price Regulation No. 189 shall apply to terms used herein.

(f) This Order No. 3 shall become effective December 14, 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-13255; Filed, December 12, 1942; 11:55 a. m.]

[Order 109 Under MPR 120]

STINEMAN COAL AND COKE COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 109 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120-235.

For the reasons set forth in an Opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals produced in Size Group 3 by Stineman Coal & Coke Company, Philadelphia, Pennsylvania, at its Stineman No. 4 Mine, Mine Index No. 487, in District No. 1, may be sold for rail shipments at a price not to exceed $3.50 per net ton f.o.b. the mine.

(b) Within thirty (30) days from the effective date of this Order, the said Stineman Coal and Coke Company shall notify all persons purchasing its coals of the adjustments granted by paragraph (a) of this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal the adjustments granted in this Order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Order No. 109 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(e) This Order No. 109 shall become effective December 12, 1942.

Issued this 12th day of December 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc.. 42-13280; Filed, December 12, 1942; 12:34 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-2894]

CARSON HILL GOLD MINING CORP.

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

In the matter of Carson Hill Gold Mining Corporation, $1 par capital stock.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of December, A. D., 1942.

The Carson Hill Gold Mining Corporation, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its $1 Par Capital Stock, from listing and registration on the San Francisco Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 11:00 a. m. on Monday, January 18, 1943, at the office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That John G. Clarkson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13217; Filed, December 11, 1942; 2:53 p. m.]

[File No. 1-2923]

ANGLO AMERICAN MINING CORP., LTD.

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of December, A. D., 1942.

In the matter of Anglo American Mining Corporation, Ltd., $1 par common stock.

The Anglo American Mining Corp., Ltd., pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its $1 Par Common Stock, from listing and registration on the San Francisco Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, January 18, 1943, at the office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That John G. Clarkson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records

deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13218; Filed, December 11, 1942; 2:53 p. m.]

[File No. 1-719]

NEW YORK AND GREENWOOD LAKE RAILWAY CO.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, P. on the 8th day of December, A. D. 1942.

In the Matter of The New York and Greenwood Lake Railway Company 5% Prior Lien Gold Bonds, Due 1946.

The New York Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 5% Prior Lien Gold Bonds, Due 1946 of The New York and Greenwood Lake Railway Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on December 18, 1942.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13219; Filed, December 11, 1942; 2:53 p. m.]

[File No. 1-1822]

LACLEDE GAS LIGHT CO.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 8th day of December, A. D. 1942.

In the matter of The Laclede Gas Light Company 5% refunding and extension mortgage gold bonds, due 1934, extended to 1942.

The New York Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 5% Refunding and Extension Mortgage Gold Bonds, Due 1934 Extended to 1942 of The Laclede Gas Light Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on December 18, 1942.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13220; Filed, December 11, 1942; 2:53 p. m.]

EDISON SAULT ELECTRIC COMPANY

[File No. 70-568]

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of December, A. D. 1942.

Edison Sault Electric Company, a public utility subsidiary company of American States Utilities Corporation, a registered holding company, having filed applications, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, for the exemption pursuant to section 6 (b) of said Act from the provisions of section 6(a) thereof of the issuance and sale by the applicant of First Mortgage Bonds, Series A 3¾%, due July 1, 1972, in the principal amount of $990,000 at 104, the proceeds therefrom to be applied to the redemption of First Mortgage Sinking Fund Bonds, Series A 4½% and Series B 4½%, in the principal amount of $923,000; to the reduction of loans, evidenced by notes in the face amount of $135,000, by $35,000; and the balance of the proceeds therefrom to be applied for other corporate purposes; and for like exemption of the issuance and sale of 3% Serial Notes in the total aggregate face amount of $100,000, such notes to be issued in lieu of the outstanding notes above mentioned, as reduced in amount by the said $35,000 cash payment;

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter, and having made and filed its findings and opinion herein;

It is ordered, That said applications, as amended, be and the same hereby are granted, and said issuances and sales be, and the same are hereby exempted from said section 6 (a), subject to the terms and conditions set forth in Rule U-24.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13221; Filed, December 11, 1942; 2:54 p. m.]

[File No. 70-623]

NY PA NJ UTILITIES CO., ET AL.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 9th day of December 1942.

In the matter of NY PA NJ Utilities Company, Associated Utilities Corporation, Denis J. Driscoll and Willard L. Thorp, trustees, and Associated Gas and Electric Corporation.

Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, a registered holding company, and NY PA NJ Utilities Company and Associated Utilities Corporation, subsidiaries thereof, and also registered holding companies, having filed declarations pursuant to the Public Utility Holding Company Act of 1935, particularly sections 12 (c) and 12 (f) thereof, and Rules U-42 and U-43 thereunder, regarding the acquisition by NY PA NJ Utilities Company from Associated Utilities Corporation of $1,000,000 principal amount of The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1981, for a cash consideration of 100% of the face amount thereof, plus accrued interest thereon at the date of closing; and the payment by Associated Utilities Corporation of $1,000,000 to the Trustees of Associated Gas and Electric Corporation as payment on account of principal on a Convertible Obligation, due March 1, 1963, of Associated Utilities Corporation, said $1,000,000 to be used by the Trustees of Associated Gas and Electric Corporation to pay an installment of $1,000,000 due December 18, 1942, on the $5,000,000 Trustees' Certificates dated December 18, 1941, held by the Guaranty Trust Company of New York; and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter, and having made and filed its findings and opinion herein;

It is ordered, That pursuant to the applicable provisions of said Act, the aforesaid declarations be, and hereby are permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13222; Filed, December 11, 1942; 2:54 p. m.]

[File No. 812-291]

TRUST ENDOWMENT SHARES, SERIES "A"

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of December, A. D. 1942.

Corporate Equities, Inc., filed an application pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 on October 7, 1942 for an order temporarily exempting Trust Endowment Shares, Series "A", a registered investment company, of which Corporate Equities, Inc. is the depositor, from the provisions of section 26 (a) (3) of said Act relating to the resignation of a trustee or custodian and section 26 (a) (4)

(B) of said Act relating to notice to security holders of the substitution of securities, until December 21, 1942. The Commission entered its findings and order on November 5, 1942 granting said exemption in consideration of the undertaking by Corporate Equities, Inc., among other things, to apply promptly to a court of competent jurisdiction for the appointment of a receiver to liquidate Trust Endowment Shares, Series "A", as expeditiously as possible, if no qualified successor trustee shall have been appointed and have accepted such appointment prior to December 21, 1942. Corporate Equities, Inc. has now filed an application requesting a modification of said order to eliminate the requirement that Corporate Equities, Inc., apply for the appointment of a receiver in order that the liquidation of the investment company may be carried out by the trustee.

It is ordered, That a hearing upon such application under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 be held on December 17, 1942 at ten o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania;

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on said application. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above-named applicant and to any person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13223; Filed, December 11, 1942; 2:54 p. m.]

[File No. 70-639]

GENERAL WATER GAS AND ELECTRIC CO. AND WALNUT ELECTRIC AND GAS CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of December, A. D., 1942.

In the matter of General Water Gas & Electric Company and W. C. Gilman, as liquidating trustee of Walnut Electric and Gas Corporation.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party or parties; and

Notice is further given that any interested person may, not later than December 23, 1942, at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be adressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

W. C. Gilman as Liquidating Trustee under a certain Liquidating Trust Agreement, dated June 1, 1939 and amended May 1, 1942, said Gilman as such Trustee being registered as a public utility holding company, proposes to transfer and deliver 5,000 shares of Class A Stock and 15,000 shares of Class B Stock of Walnut Electric & Gas Corporation, a registered holding company, the same constituting all of the outstanding stock of said corporation, to General Water Gas & Electric Company, also a registered holding company, the beneficial owner of said stock, said Trust Agreement having, by the terms thereof, expired on December 1, 1942, and not having been renewed.

General Water Gas & Electric Company proposes to acquire said stock from said Trustee.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13298; Filed, December 14, 1942; 10:35 a. m.]

[File No. 70-627]

THE MIDDLE WEST CORPORATION

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of December, A. D. 1942.

The Middle West Corporation ("Middle West"), a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly section 10 thereof, regarding the acquisition by it from its subsidiary, Western Ice Service Company ("Western"), of all of the outstanding capital stock of Southern-Henke Ice & Storage Company, a non-utility subsidiary of Western, for a consideration of $27,705.68 to be paid through a reduction in like amount of the open account indebtedness owed Middle West by Western, and Western having joined in said application, pursuant to Rule U-43 of the General Rules and Regulations promulgated under the Act, regarding the sale or transfer by it of such shares of stock to Middle West; and

Said application having been filed on November 16, 1942, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and Middle West having requested that the Commission accelerate the date of effectiveness of the application; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application pursuant to said section 10 and said Rule U-43, and being satisfied that the date of granting said application should be advanced:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the Act that the aforesaid application be and the same is hereby granted subject, however, to the terms and conditions prescribed in Rule U-24, and to the further condition that this order shall in no wise affect or prejudice any right of the Commission to enter an order in pending 11 (b) (1) proceedings regarding The Middle West Corporation, directing it to divest itself of any interest in Southern-Henke Ice & Storage Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13297; Filed, December 14, 1942; 10:34 a. m.]

[File No. 70-644]

PUBLIC SERVICE CORP. OF NEW JERSEY AND PUBLIC SERVICE ELECTRIC AND GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of December 1942.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than December 18, 1942, at 5:30 p. m., EWT, request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such joint declaration or application, as filed or as amended, may become effective or may be granted as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized below:

Public Service Corporation of New Jersey, a subsidiary of The United Corporation and The United Gas Improvement Company, both registered holding companies, proposes to sell, and its subsidiary, Public Service Electric and Gas Company proposes to buy (1) $559,600 principal amount of the latter's First and Refunding Mortgage Bonds, 5% series due 2037 for $504,076.42, the cost thereof to Public Service Corporation of New Jersey, plus accrued interest upon the principal amount of said bonds to the date of payment; (2) $519,000 principal amount of 5% First Mortgage Gold Bonds, due 1962 of Elizabeth & Trenton Railroad Company, constituent company of Public Service Electric and Gas Company, and which indebtedness was assumed by Public Service Electric and Gas Company, for $472,691.25, the cost thereof to Public Service Corporation of New Jersey, plus accrued interest on the principal amount of said bonds to date of payment. Public Service Electric and Gas Company, upon acquiring the aforesaid bonds as above provided, proposes to cancel and surrender same to the trustees of the mortgages securing said bonds, for destruction and cremation. The reasons given for such purchase and sale is "to effect savings attendant upon permanent reduction in the long-term debt of Public Service Electric and Gas Company and to obtain the benefits permitted by the Revenue Act of 1942 in 1942."

Sections 12 (c) and 12 (f) of the Act and Rules U-42 and U-43 of the Rules and Regulations of the Commission issued thereunder have been designated as applicable to the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13300; Filed, December 14, 1942; 10:35 a. m.]

[File No. 70-621]

THE RAILWAY AND BUS ASSOCIATES

ORDER APPROVING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 8th day of December 1942.

The Railway and Bus Associates, a subsidiary of Shinn & Co., a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, having filed an application for approval of the acquisition of 800 shares of common stock of Atlantic Utility Service Corporation from Triple Cities Traction Corporation, a non-affiliate for the total consideration of One Dollar ($1.00), pursuant to sections 9 (a) (1) and 10 of the Public Utility Holding Company Act of 1935;

Said application having been filed on November 6, 1942, and notice of said filing having been duly given in the form and manner prescribed in Rule U-23 promulgated pursuant to said Act; and the Commission not having received a request for a hearing with respect to the said application within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the said application that the requirements of section 10 of said Act are satisfied and that no adverse findings are necessary thereunder;

It is hereby ordered, Pursuant to Rule U-23, and the applicable provisions of said Act and subject to the terms and conditions prescribed by Rule U-24, that the aforesaid application be and hereby is granted forthwith.

By the Commission (Commissioner Healy dissenting for the reason set forth in his memorandum of April 1, 1940).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13299; Filed, December 14, 1942; 10:35 a. m.]

[File No. 70-591]

SOUTH CAROLINA ELECTRIC AND GAS CO., ET AL.

NOTICE OF FILING OF AMENDMENT TO PREVIOUS FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 11th day of December 1942.

In the Matter of South Carolina Electric & Gas Company, Lexington Water Power Company and General Gas & Electric Corporation.

Notice is hereby given that an amendment to the above captioned applications-declarations has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by General Gas & Electric Corporation, a registered holding company, and by its subsidiary, Lexington Water Power Company. All interested persons are referred to said amendment, which is on file in the offices of this Commission, for a statement of the transactions described therein.

In the original filing, as has heretofore been indicated by a previous Notice of Filing (Holding Company Act Release No. 3763), General Gas & Electric Corporation, among other things, proposed to surrender to a new consolidated company (which will be a successor corporation resulting from a proposed merger of Lexington Water Power Company into South Carolina Electric & Gas Company) $612,700 principal amount of Lexington Water Power Company, First Mortgage 5% Gold Bonds, series due January 1, 1968; and $2,311,900 principal amount of Lexington Water Power Company 5½% Convertible Sinking Fund Gold Debentures, due January 1, 1953, in return for certain securities of the consolidated corporation. In the present amendment it is requested that an interim order be entered, in these proceedings, permitting the surrender by General Gas & Electric Corporation to Lexington Water Power Company, on or before January 1, 1943, of $108,300 principal amount of Lexington Water Power Company, First Mortgage 5% Gold Bonds, series due January 1, 1968, and $125,000 principal amount of Lexington Water Power Company 5½% Convertible Sinking Fund Gold Debentures, due January 1, 1953, it being represented in the amendment that such surrender will enable Lexington Water Power Company to meet its sinking fund requirements due January 1, 1943.

Applicants-declarants have indicated that, if the contemplated merger is subsequently consummated, the securities of Lexington Water Power Company presently proposed to be surrendered shall constitute a part of the consideration which General Gas & Electric Corporation is to deliver in exchange for securities of the consolidated corporation; and, if the proposed consolidation is not fulfilled, that the delivery be deemed a capital contribution.

Applicants-declarants have indicated that the transactions embraced by the amendment may be subject to sections 9 (a), 10, 12 (b), 12 (c), and 12 (d) of the Public Utility Holding Company Act of 1935, and Rules U-42, U-43, U-44, and U-45 promulgated thereunder.

Notice is further given that any interested person may, not later than December 22, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such requested interim order may issue permitting such amendment to the filing to become effective or to be granted as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-13296; Filed, December 14, 1942; 10:34 a. m.]

WAR MANPOWER COMMISSION.

[Administrative Order 26]

ESTABLISHMENT OF BUREAU OF SELECTIVE SERVICE

There is hereby established in the War Manpower Commission a Bureau of Selective Service which shall include the Selective Service System created and established for the purpose of carrying out the provisions of the Selective Training and Service Act of 1940, as amended, and transferred to the War Manpower Commission by Executive Order No. 9279[1] dated December 5, 1942. The Director of Selective Service shall act as the Chief of the Bureau of Selective Service, subject to the direction and supervision of the Executive Director.

Subject to the direction and supervision of the Executive Director, the Chief of the Bureau of Selective Service, acting

[1] 7 F.R. 10177.

under the title of Director of Selective Service, shall perform the functions, powers, and duties held by the Director of Selective Service prior to Executive Order No. 9279, including authority delegated to him by the President under the provisions of the Selective Training and Service Act of 1940, as amended, all of which authority, functions, powers and duties were transferred to the Chairman of the War Manpower Commission by Executive Order No. 9279.

All delegations of any functions, powers and duties of the Director of Selective Service heretofore made by him to officers, agents and persons of the Selective Service System are ratified and confirmed, and such officers, agents and persons shall exercise the functions, powers and duties exercised by them on December 5, 1942, subject to the order of the Chief of the Bureau of Selective Service.

The Chief of the Bureau of Selective Service is authorized to delegate any authority granted to him under this Order.

All existing rules, regulations, rulings, orders and procedures promulgated and established by the Director of Selective Service are hereby contained in full force and effect until modified, amended or rescinded by appropriate action.

PAUL V. MCNUTT,
Chairman.

DECEMBER 5, 1942.

[F. R. Doc. 42-13329; Filed, December 14, 1942; 11:47 a. m.]